



LAWS

OF THE

STATE OF INDIANA,

PASSED AND PUBLISHED AT THE EIGHTEENTH SESSION

OF THE

GENERAL ASSEMBLY,

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE.

BY AUTHORITY.

INDIANAPOLIS:

PRINTED BY DOUGLASS AND MAGUIRE,

1834.

LAWs
OF THE
STATE OF INDIANA.

CHAPTER I.

An Act authorizing Miles McDaniel to apply for a writ of ad quod
damnum, to establish a mill on Big Creek in Posey county.

[APPROVED DECEMBER 24, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Miles McDaniel be, and he hereby is authorized to apply to the circuit court of Posey county, for the benefit of a writ of ad quod damnum, under the act entitled "an act allowing and regulating the writ of ad quod damnum," approved December the 20th, 1823, for the purpose of enabling him to determine his right to erect a mill, and build a dam across Big Creek, on the south west fractional quarter of section twenty, township six south, and range fourteen west, in Posey county, upon his complying with the requisitions of said act; and said court is authorized to proceed on said application, in like manner as if no law had been passed declaring said Big Creek navigable.

Application to the circuit court.

This act to take effect and be in force from and after its passage.

CHAPTER II.

An Act for the Apportionment of a Senator and Representatives in the counties and territory therein named.

[APPROVED JANUARY 2, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter, the counties of Randolph, Delaware, Grant, and the territory attached to said several Senatorial district.

counties for judicial purposes, shall form one Senatorial District, and be entitled to one Senator; and the sheriffs of said several counties, composing said Senatorial District, shall, for the purpose of comparing the returns of the elections, meet at the court house in Delaware county, on the Monday succeeding the election.

Wabash co. attached, &c. SEC. 2. The county of Wabash shall hereafter be attached to the Senatorial District composed of the counties of Allen, Huntington, Elkhart, Lagrange, St. Joseph, LaPorte, and the territory thereto attached; and the sheriffs of the several counties composing said Senatorial District, shall meet at the court house in Elkhart county, for the purpose of comparing the returns of elections on the Monday next succeeding the election.

Duty of sheriffs. SEC. 3. The counties of Allen, Huntington, and the territory attached to said several counties for judicial purposes, shall form one Representative District and be entitled to one Representative.

Representa- tive districts. SEC. 4. The counties of Elkhart, Lagrange, and the territory attached to said several counties for judicial purposes, shall hereafter form one Representative District, and be entitled to one Representative.

SEC. 5. The counties of St. Joseph, LaPorte, and the territory attached to said several counties for judicial purposes, shall form one Representative District and be entitled to one Representative.

This act to take effect and be in force from and after its publication.

CHAPTER III.

An Act making general Appropriations for the year one thousand eight hundred and thirty-four.

[APPROVED FEBRUARY 1, 1834.]

Legislature. SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be appropriated for the expenses of the present General Assembly including the pay of members, secretaries, clerks, sergeant-at-arms, door-keepers, stationery, fuel, printing, binding, and distributing the laws and journals, together with all other expenses incident to the present session, the sum of twenty-three thousand dollars.

Specific. For specific appropriations, one thousand five hundred dollars.

Judiciary. For the Judiciary Department, nine thousand dollars.

Pros. Attor- neys. For Prosecuting Attorneys, one thousand two hundred and fifty dollars.

For Probate Judges, two thousand five hundred dollars. Probate.

For the Executive Department, two thousand six hundred dollars. Executive.

For Adjutant and Quarter Master General, one hundred and fifty dollars.

For the contingent fund, one thousand dollars. Contingent.

For wolf scalps, eight hundred dollars. Wolf scalps.

For State Library, one hundred dollars. State library.

For State Prison, one thousand dollars. State prison.

This act to take effect and be in force from and after its passage.

CHAPTER IV.

An Act making Specific Appropriations for the year 1834.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Clerks, &c. of Indiana, That the principal and assistant secretary of the Senate and the principal and assistant clerk of the House of Representatives shall severally be allowed three dollars and fifty cents per day, and the enrolling secretary of the Senate and the enrolling clerk of the House of Representatives three dollars and fifty cents per day, for each and every day they may have served as such during the present session; and the door-keeper of the Senate and the door-keeper of the House of Representatives each two dollars and fifty cents for each and every day they may have served as such during the present session.

SEC. 2. That Samuel Bigger be allowed the sum of thirty-five dollars for his services as prosecuting attorney in the Randolph, Wayne, Union, and Fayette circuit courts, at their fall term in eighteen hundred and thirty-two, in the absence of the regular prosecuting attorney.

SEC. 3. That Harrison R. Thomas and Valentine Githens be allowed the sum of twenty dollars and twenty-five cents, for repairs done the hand railing in the Representatives' Hall.

SEC. 4. That Amos Clark be allowed fifteen dollars for services as special prosecutor in the Pike circuit court at its April term, eighteen hundred and thirty-three.

SEC. 5. That Paris C. Dunning be allowed fifteen dollars for services as special prosecutor in the Monroe circuit court, April term, eighteen hundred and thirty-three.

SEC. 6. That Caleb B. Smith be allowed the sum of ten dollars for services as special prosecutor in the Randolph circuit court, February term, eighteen hundred and thirty-three.

Scudder and Hannaman.

SEC. 7. That Scudder and Hannaman be allowed the sum of one dollar and seventy-five cents for wafers furnished for the use of the members of the present General Assembly.

Smith.

SEC. 8. That B. R. Smith be allowed the sum of one dollar and fifty cents for a shovel and coal furnished for the present General Assembly.

Assistant en-
rolling clerks.

SEC. 9. That such sum, at the rate of three dollars and fifty cents per day, is hereby appropriated to the payment of assistant enrolling secretaries or clerks as may by the enrolling clerk of either House of the present General Assembly, under the authority of such House, have been employed at the present session, to be certified by the enrolling secretary of the Senate and the enrolling clerk of the House of Representatives, for such assistant enrolling secretaries and clerks.

Walpole.

SEC. 10. That L. Walpole be allowed the sum of four dollars and fifty cents for articles furnished for the present General Assembly.

Brown and
Morrison.

SEC. 11. That Brown and Morrison be allowed the sum of eight dollars and thirty-seven cents for articles furnished for the present General Assembly.

McCarty and
Williams.

SEC. 12. That McCarty and Williams be allowed the sum of eight dollars for paper furnished for the present General Assembly.

Givan and
Foudray.

SEC. 13. That Givan and Foudray be allowed the sum of three dollars and twenty-five cents for articles furnished for the present General Assembly.

Fletcher and
Bradley.

SEC. 14. That Fletcher and Bradley be allowed the sum of seven dollars and sixty-eight cents for pitchers and tumblers, and other articles furnished the present General Assembly.

Luse.

SEC. 15. That Fleming T. Luse be allowed the sum of ninety-nine dollars and thirty cents for eighteen desks, repairing drawer and lock, and making window strips and table for the use of the present General Assembly.

Grace.

SEC. 16. That Jesse Grace be allowed the sum of twenty-one dollars for eighteen chairs furnished for the present General Assembly.

Rooker.

SEC. 17. That Samuel S. Rooker be allowed the sum of eight dollars for chairs furnished for the present General Assembly.

Johnson.

SEC. 18. That T. B. and J. L. Johnson be allowed the sum of eighty-one cents for lantern and repairing water-pot for the use of the present General Assembly.

Cox.

SEC. 19. That C. and J. Cox be allowed the sum of four dollars seventy-five cents for lanterns, foot stoves, sconces, and repairing lock for the use of the present General Assembly.

SEC. 20. That Douglass and Maguire be allowed the Douglass and sum of twelve dollars for printing a bill to provide for a loan Maguire, on the faith of the three per cent, fund.

SEC. 21. That Robert Patterson be allowed one hundred Patterson, dollars for one hundred and fifty cords of wood, furnished the present General Assembly.

SEC. 22. That James Vanblaricum be allowed the sum Vanblaricum, of twelve dollars and thirty cents for work done and materials furnished for the use of the state, embracing among other things, the lantern frames.

SEC. 23. That James C. Rea be allowed the sum of Rea, twelve dollars and twenty cents, being excess of revenue paid by him through mistake.

SEC. 24. That Smith, Wilkins, & Co. be allowed the sum Smith, Wil-
kins & Co., of sixty dollars twenty-three cents for sundry articles fur-
nished by them for the use of the present General Assem-
bly.

SEC. 25. That there be allowed the sum of fifty dollars Journal, for indexing the Journal of the present General Assembly.

SEC. 26. That F. T. Luse be allowed the sum of eight Luce, dollars for sundries furnished the General Assembly.

SEC. 27. That H. & D. Bates be allowed the sum of one Bates, dollar and twenty cents for articles furnished by them for the use of the General Assembly.

SEC. 28. That T. B. & J. L. Johnson be allowed the sum Johnson, of two dollars thirty-seven and a half cents for articles fur-
nished the present General Assembly.

SEC. 29. That William Combs be allowed the sum of Combs, eighteen dollars for sundry services done by him for the present General Assembly.

SEC. 30. That John Givan be allowed the sum of one Givan, dollar and six cents for articles furnished by him for the use of the present General Assembly.

SEC. 31. That Daniel Pratt be allowed the sum of nine Pratt, dollars for copying the act entitled "an act establishing a State Bank."

SEC. 32. That the Auditor of Public Accounts audit and Blackford's the Treasurer pay the subscription price for the volumes of Reports. Blackford's Reports authorized to be subscribed for at the present session of the General Assembly, to be certified by the Secretary of State.

SEC. 33. That the Speaker of the House of Representa- Speaker, tives be allowed the sum of two dollars and sixty-eight cents for postage paid by him on letters addressed to the Speaker of the House of Representatives.

SEC. 34. That the sum of ten dollars be allowed to the Assistant assistant door-keeper of the House of Representatives, and door-keepers, a like sum to the assistant door-keeper of the Senate, for ser-

Sergeant
at arms.

Fire engine.

Merrill.

Hoagland.

Pulliam and
Stagg.

Cloud.

Price.

Borland.

Smith.

vices rendered during the present session of the General Assembly.

SEC. 35. That the sergeant-at-arms be allowed the sum of two dollars per day for each day of the present General Assembly.

SEC. 36. That the sum of two hundred and fifty dollars be appropriated to the purchase of a fire engine and the apparatus belonging thereto, for the town of Indianapolis, when the sum of seven hundred and fifty dollars shall be raised and appropriated by said town for the same purpose.

SEC. 37. The Auditor of State and agent for the town of Indianapolis, shall examine the claims of Samuel Merrill for improvements made by him out of his own funds on the lot where he resides at their present value and for extra services performed by him as Treasurer, and such allowance as they shall make shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 38. That Thomas Hoagland of Marion county be allowed fourteen dollars for repairs done to the court house and furnishing the materials therefor, for the accommodation of the General Assembly the present session; and that said Hoagland also be allowed the further sum of three dollars for repairs done to the house erected for the use of the Governor on the Governor's circle, and furnishing materials therfor.

SEC. 39. That Pulliam & Stagg be allowed five dollars and twenty-five cents for furnishing tin buckets, pitchers, candlesticks, and snuffers for the use of the present General Assembly.

SEC. 40. That the sum of thirty dollars be allowed Hiram W. Cloud for services rendered and expenses incurred in demanding, under the direction of the Governor of Indiana, of the Executive of Kentucky, Granville M. Connelly, a fugitive from justice, and apprehending said Connelly.

SEC. 41. That Levi Price, collector of Vanderburgh county for the year eighteen hundred and thirty-two, be allowed two dollars and four cents for money overpaid by him as collector for said year.

SEC. 42. That James Borland be allowed the sum of five dollars for a tract book and map of all the sold and unsold lands in the Monroe seminary township, which were ordered by the Auditor to enable him to furnish the number of acres of taxable land in Monroe county.

That the like sum be allowed to James Smith for similar services rendered for Gibson seminary township.

SEC. 43. That Austin W. Morris be allowed the sum of fifty dollars for making an index to the Journal of the Senate of the present session of the General Assembly.

SEC. 44. That the commissioners of the state house be Commission-
ers of state
severally allowed the sum of two dollars for each day's ser-
vices by them performed in the discharge of their duties as
such, to be allowed on the certificate of a justice of the
peace of Marion county, on proof to him made, which shall
be audited by the Auditor of Public Accounts and paid by
the Treasurer.

SEC. 45. That Benjamin Rogers is allowed the sum of Rogers.
twenty-two dollars for all his services as superintendent of
Jackson's Lick in Monroe county, from the 8th day of De-
cember, eighteen hundred and thirty-two, to the 10th day
of December, eighteen hundred and thirty-three inclusive.

SEC. 46. That Hubbard and Edmonds be allowed the Hubbard and
sum of fifty-five dollars and three cents for stationary fur- Edmonds.
nished the General Assembly.

SEC. 47. That Yandes and E. T. Porter be allowed the Yandes and
sum of fourteen dollars and fifty-seven cents for articles Porter.
furnished by them for the use of the present General Assem-
bly.

SEC. 48. That E. W. Bacon and D. Spencer be allowed Bacon and
the sum of fourteen dollars and sixteen cents for work done Spencer.
on state house.

SEC. 49. That Samuel Duke be allowed the sum of two Duke.
dollars seventy-five cents [for] labor done and articles fur-
nished the present General Assembly.

SEC. 50. That McClure and Davis be allowed the sum McClure
of nine dollars ninety-seven cents for articles furnish- and Davis.
ed by them for the use of the present General Assembly.

SEC. 51. That C. and J. Cox be allowed the sum of thir- Cox.
ty-five dollars for articles furnished by them for the use of
the state of Indiana.

SEC. 52. That Oliver Morse be allowed the sum of nine- Morse.
teen dollars sixty-one cents for articles furnished and labor
done for the present General Assembly.

SEC. 53. That —— Elsley be allowed the sum of one Elsley.
dollar twelve and a half cents for labor done for the present
General Assembly.

SEC. 54. That Hubbard, Edmonds & Co. be allowed Hubbard, Ed-
the sum of four dollars ninety-five cents for stationary fur- mands, & Co.
nished the present General Assembly.

CHAPTER V.

An Act to authorize an Asylum for the poor of the counties of Frank-
lin, Fayette, and Union.

[APPROVED JANUARY 23, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State

Commission-
ers to meet.

of Indiana, That the persons composing the boards of commissioners respectively, of the counties of Franklin, Fayette, and Union, or any two of said counties, be, and they are hereby required, to meet at the town of Fairfield in the county of Franklin, on the first Monday of June next, or on some subsequent day to be by them agreed on, and when so convened, shall take into consideration the expediency of establishing an asylum for the accommodation of the poor of the counties aforesaid.

Agent to pur-
chase land.

SEC. 2. That should the said boards, when so convened, agree that it would be expedient to establish the asylum aforesaid, they shall at some convenient time thereafter, by themselves or by an agent from each of the said counties, by the said boards respectively to be appointed, proceed to select, purchase, and hold a tract of land, in the name of such counties aforesaid as tenants in common, and to erect buildings thereon for the accommodation of the poor, as to them may appear expedient and proper.

Tax may be
levied.

SEC. 3. That in order that the object aforesaid may be effected, the boards of commissioners respectively, may if necessary from time to time, cause to be assessed and collected on property subject to taxation for county revenue, an amount sufficient to carry this act into complete effect.

Removal of
paupers to
Asylums.

SEC. 4. That so soon as the necessary provisions may be made by the erection of the proper buildings, the said boards shall order and direct that all persons who have become a permanent charge as paupers on their respective counties, be removed to said asylum; and shall take such measures for the employment and support of such paupers as they may deem advisable.

Director.

SEC. 5. That in order to aid in the support and employment of the poor at such asylum, the said boards are hereby authorized to appoint one director for each county aforesaid, to direct and manage such institution, under such regulations as said board may appoint.

Duty of over-
seers of the
poor.

SEC. 6. That whenever such establishment may be arranged and put in operation as aforesaid, the overseers of the poor, shall from time to time, as persons may become permanent charges as paupers, have such persons removed to said asylum.

Their powers.

SEC. 7. The directors of such asylum shall have all powers granted by the several acts now in force to the overseers of the poor, so far as the same may be necessary and expedient, and shall from time to time as they may be directed by said boards of commissioners, report to them respectively concerning said asylum.

Corporation
created.

SEC. 8. That for the purpose of carrying this act more fully into effect, the said boards of commissioners, in relation to said asylum, shall be, and they are hereby created

a body corporate and politic, under the name and style of the Counties' Asylum, (as the case may be, according to the names of such counties as establish such asylum,) and as such shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in any court having competent jurisdiction.

SEC. 9. Should the persons composing the board doing county business for either of the aforesaid counties, or a majority of them, fail to attend or meet at the time and place specified in the first section of this act, with the persons composing the board doing county business for the other counties, or having so met, be unwilling to enter into the arrangement provided by this act for the establishment of such asylum for the poor, such county shall not be compelled to enter into such arrangement for the establishment of such asylum, or to contribute to the expense of establishing or supporting such asylum: *Provided*, that any two of the aforesaid counties may, at the joint expense of such counties, establish and support such asylum for the support of the poor of such counties; and all the rights, privileges, and powers conferred by this act upon the boards of commissioners of such counties, shall be, and are hereby conferred upon the boards of commissioners of either two of said counties, should they enter into the said arrangement and establish the said asylum.

CHAPTER VI.

An Act to amend the act entitled "an act for the relief of the poor," approved February the 10th, 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it shall be necessary and practicable, poor children of the asylums who cannot be bound out, or whom it may not be expedient to bind out as apprentices, shall be educated thereat or otherwise at the charge of the proper asylum as far as the means thereof, not otherwise necessarily to be applied, may extend.

SEC. 2. It shall be the duty of the directors or the persons acting as such director of any asylum erected or established by law, to superintend and direct the education of such poor children according to the provisions of the first section of this act; and for the purpose of carrying the foregoing into effect with the least possible expense, it shall be the duty of such officer to appoint some most suitable pauper as a teacher, when proper and expedient.

Paupers not
to be farmed
out.

SEC. 3. It shall not be lawful hereafter for any overseer of the poor to farm out any pauper to the lowest bidder by public outcry, but such overseer may in their discretion require sealed proposals (previous notice thereof having been given) for the maintenance of each pauper or paupers.

CHAPTER VII.

An Act establishing a State Bank.

[APPROVED JANUARY 28, 1834.]

A state bank
and branches
created.

Name and
style.

Directors to
locate the
branches.

District No. 1. DISTRICT No. ONE, composed of the counties of Marion, Johnson, Shelby, Hancock, Madison, Hamilton, Boone, and Hendricks.

Number 2. DISTRICT No. Two, composed of the counties of Dearborn, Franklin, Ripley, Switzerland, and Decatur.

Number 3. DISTRICT No. THREE, composed of the counties of Union, Fayette, Rush, Wayne, Henry, Delaware, and Randolph.

Number 4. DISTRICT No. FOUR, composed of the counties of Jefferson, Jennings, Scott, Bartholomew, and Jackson.

Number 5. DISTRICT No. FIVE, composed of the counties of Floyd, Harrison, Washington, Crawford, and Clark.

Number 6. DISTRICT No. SIX, composed of the counties of Posey, Vanderburgh, Perry, Spencer, and Warrick.

Number 7. DISTRICT No. SEVEN, composed of the counties of Knox, Sullivan, Daviess, Gibson, Pike, and Dubois.

Number 8. DISTRICT No. EIGHT, composed of the counties of Orange, Lawrence, Monroe, Morgan, Martin, and Greene.

Number 9. DISTRICT No. NINE, composed of the counties of Vigo, Clay, Owen, Putnam, Parke, and Vermillion.

Number 10. DISTRICT No. TEN, composed of the counties of Tippecanoe, Fountain, Montgomery, Warren, Carroll, and Clinton, and of the territory lying north of Warren and Tippe-

canoe and west of Carroll and Cass, to the southern boundary of the north west district.

SEC. 3. It shall be the duty of the directors of the State Bank, after the expiration of one year, to locate an additional branch in the district to be numbered ELEVEN, composed of the counties of Adams, Grant, Huntington, Wabash, Miami, Allen, La Grange, Elkhart, and the unorganized territory attached to said several counties for judicial purposes: and after the expiration of three years to locate an additional branch of said Bank within the district of country lying north of the Wabash river, to be numbered TWELVE, and not included in any of the districts before mentioned: *Provided*, that there shall be more than three counties in said district: and like proceedings shall be had in organizing the same as are herein prescribed for organizing the other branches; and the state stock therein shall be obtained in the same way, and paid over under the same restrictions and regulations as is provided for the other branches: *Provided, however*, that nothing herein contained shall prevent the board of state directors from paying the same out of the sinking fund of the state, or any surplus funds under their control.

SEC. 4. Should any of the branches herein established fail to organize, as herein contemplated, it shall be the duty of the directors of the State Bank, once in each year thereafter, if required by any number of the citizens who will be responsible for the expense, to open books of subscription within such district, and locate and organize a branch therein at such place as they may select, if the amount of stock herein required shall be taken and paid for under the provisions of this act.

SEC. 5. The said State Bank shall keep an office at the town of Indianapolis, and the directors thereof shall meet and hold their sessions at least once in three months. It shall be a body corporate and politic, with power to sue and be sued, plead and be impleaded in any court of law or equity having jurisdiction, and to transact all other lawful business herein permitted them to do; and shall have power by and through her branches, and not otherwise, to loan money, buy, sell, and negotiate bills of exchange, checks, promissory notes, and other evidences of debt; to discount on banking principles and usages, bills of exchange, post notes, promissory notes, and other negotiable paper or obligations for the payment of money; to receive deposits, to buy and sell gold, silver, bullion, and foreign coins; to draw, issue, and put in circulation bills, notes, post notes, bills of exchange, and other evidences of debt, payable to order or bearer, and not otherwise; and all such notes and bills put in circulation as money, except post notes and bills.

Additional
branches to
be located.

Branch fail-
ing to orga-
nize, books
may be open-
ed annually
thereafter.

Office of state
bank.

Meetings of
directors.

Corporate
powers

BANK.

What real estate may be held by bank.

Shall be sold, &c.

Conveyances of real estate.

Specie payment of notes, &c.

Payment refused, holders &c. entitled to interest.

of exchange, shall be made payable on demand; and to exercise such other incidental powers as shall be necessary to carry on such business.

SEC. 6. The real estate which it shall be lawful for said Bank to purchase, hold, and convey, shall be, first, such as shall be required for its immediate accommodation in the convenient transaction of its business; or second, such as shall have been mortgaged to it in good faith by way of security for stock, loans previously contracted, or for moneys due; or third, such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or fourth, such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained or made for such debts; and the said Bank shall not purchase, hold, or convey real estate in any other case, or for any other purpose; and all such real estate, not absolutely necessary for the convenient discharge of its business, shall be set up, at least once a year, at public sale, after having given thirty days notice of such sale, describing the property so to be sold, and the name of the mortgagor, in at least one newspaper in the district where said Bank is situate; and placing three written notices in the most public places in the town where the Bank is located; and shall be sold, if the same will bring the amount of debt, interest, and costs for which the same may have been bought, received, or taken by the Bank, and which shall remain after deducting all profits received therefrom.

SEC. 7. All conveyances of real estate shall be signed by the President of the State Bank and have affixed the seal thereof.

SEC. 8. The said Bank shall not at any time suspend or refuse payment in gold or silver of any of its notes, bills, or obligations due or payable, nor of any moneys received upon deposits; and if said Bank at any time refuse or neglect to pay any bill, note, or obligation issued by such Bank, if demanded within the usual banking hours, at the proper branch where the same is payable according to the contract, promise, or understanding therein expressed, or shall neglect or refuse to pay on demand as aforesaid, any moneys received on deposits, to the person or persons entitled to receive the same, then, and in every such case, the holder of any such bill, note, or obligation, or the person or persons entitled to demand or receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on their said demands, until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum from the time of such demand as aforesaid; and any branch so failing to meet its engagements may be closed as in case of insolvency.

BANK.

SEC. 9. That said State Bank and each and every branch thereof shall mutually be responsible for all the debts, notes, and engagements of each other.

SEC. 10. All suits or actions against said Bank, on any contract or engagement made, or liability incurred by the board of directors of the State Bank, or on any contract or engagement made, or liability incurred by the board of directors of any branch, or on any bank bill or note, shall be brought against the State Bank of Indiana.

SEC. 11. The process in such case shall be a summons, and shall be served on the President of the State Bank, in all cases where the contract, engagement, or liability sued for, shall have been made by the board of directors of said bank; and in all cases where the contract, engagement, or liability sued on, has been made or incurred by a branch, the process shall be served on the president of such branch; and so also where the suit shall be brought on any bank bill or note, the process shall be served on the president of the branch at which such bill or note shall have been made payable; or in all such cases, a copy of the process may be left at the banking house, or place of doing business of the State Bank, or of the proper branch, as the case may be, during the usual hours of business, which shall be good service.

And it is hereby made the duty of the President, or any other officer, of any branch knowing of such service, forthwith to notify the president and directors of the State Bank thereof. In all suits brought against said Bank, on any note, engagement, or liability of any branch, such suit shall be brought in the county where such branch may be situate; and all suits brought against the State Bank on any note, engagement, or liability of the State Bank, shall be brought in the county of Marion.

SEC. 12. There shall be no stay of execution on judgments against the Bank for notes issued or deposits made therein, except as herein provided for.

SEC. 13. Said Bank shall be entitled to charge and receive for moneys loaned, six per cent. per annum and not able at bank, higher, but the same may, according to bank rules, be discounted and taken in advance out of the sums loaned.

SEC. 14. The profits arising, after paying expenses and reservation for a contingent or surplus fund, shall be divided among the stockholders, according to the amount of stock owned and paid in by each; and in making this calculation and division of profits, each branch shall be independent of the others, and its own profits be divided among its own stockholders.

SEC. 15. There shall be deducted from the dividends, Fund retained and retained in bank each year the sum of twelve and a half cents on each share of stock, other than that held by other tax.

Bank and branches responsible for each other. Suits against the bank, how brought.

Process and on whom served.

Copy of process left at bank's house, good service.

Directors, &c. of state bank to be notified of suit against a branch.

Suits, where to be brought.

No stay of execu-

tion.

Int't charge-
ment at bank.

Dividend of profits among stockholders.

Ratio of taxation under the ad valorem system.

Persons eligible to offices in the bank, &c.

Notes, by whom signed and where payable.

Lands mortgaged to the bank and sold for taxes may be redeemed within five years.

Shall not buy or sell goods, &c.

Public deposits may be received.

by the state, which shall constitute part of the permanent fund to be devoted to purposes of common school education, under the direction of the General Assembly, and shall be suffered to remain in bank, and accumulate until such appropriation by the General Assembly; and said tax shall be in lieu of all other taxes and assessments on the stock in said Bank. And in case of an ad valorem system of taxation being adopted during this charter, the said stock shall be subject to the same ratio of taxation as other capital, not exceeding one per cent. including the aforesaid tax, and the said tax shall only be assessed on such portion of the stock as shall have been paid, and on account of which the stockholders shall not be indebted to the state.

SEC. 16. The person administering the government of this state, Secretary of State, Treasurer, Auditor of Public Accounts, Commissioner of the Canal Fund, Judge of the Supreme or any inferior court, or any person holding an office or appointment under the authority of the General Government, shall not, while in such office, hold the office of president of the State Bank, director of the State Bank, or president, director, or cashier of any branch, nor that of a member of the General Assembly; nor shall any president, cashier, or director of any branch at the same time hold the office of president or director of the State Bank, on the part of the state, or the office of president, director, or cashier of another branch.

SEC. 17. The notes issued by said Bank shall be signed by the president of the State Bank, and shall be made payable at the branch which shall issue the same, and shall be signed by the cashier of such branch.

SEC. 18. No sale or forfeiture for unpaid taxes of any real estate, mortgaged to said Bank to secure the payment of loans made, shall, until the lapse of five years from such sale, operate to prevent said Bank from redeeming the same, on payment of such taxes, and damages, and interest thereon, as are required by law in other cases of lands forfeited and sold on account of unpaid taxes, if at any time after such sale and forfeiture, such real estate shall become the property of the Bank for the payment of any such debt.

SEC. 19. It shall not be lawful for said Bank at any time to use or employ any part of its capital stock or other funds in the buying or selling of goods, wares, or merchandise, or in any other business or dealing than is by this act authorized and permitted.

SEC. 20. It shall and may be lawful for said Bank or any branch thereof to accept, receive, and become responsible for the deposits and public revenues of the United States, upon such terms and conditions as may be agreed on by the

agents of the General Government and a majority of the directors of the State Bank.

SEC. 21. That it shall be lawful for said Bank to receive Articles on deposite (except as above prohibited) moneys, bullion, ceivable on plate, and other articles of value of small bulk, on such deposite. terms and conditions as may be agreed upon by the parties.

SEC. 22. No note shall be issued of a less denomination than five dollars; and the Legislature hereby reserves the right, at any time after ten years, to restrict and prohibit the circulation and issue of any note for less than ten dollars. Rights reserved.

SEC. 23. There shall be in said Bank and branches an account created, opened, and kept with the commissioners of the sinking fund, in which they shall be credited with the pence with dividends of profits accruing to the state on her stock, and the commissioners of the sinking fund shall be under the control and direction of the said commissioners as herein provided.

SEC. 24. It shall not be lawful for the directors of the said State Bank to locate any other branch or branches of the bank than is herein authorized.

SEC. 25. The capital stock of said Bank may be increased by individual subscriptions at any one or more branches, by and with the assent and concurrence of the Legislature and directors of the State Bank.

SEC. 26. The General Assembly may at any time appoint an agent to examine the state and condition of said Bank, and each and every branch thereof, who shall have the same power and rights as examiners appointed by the directors of the State Bank; and when any agent as aforesaid shall find and report, or the Governor of the state shall have reason to believe that the charter has been violated, it may be lawful for the Legislature to direct, or the Governor to order a *scire facias* to be sued out of the Marion circuit court in the name of the state (which shall be executed upon the president of the State Bank for the time being, at least fifteen days before the commencement of the term of said court) calling on the said corporation to shew cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court, upon the return of said *scire facias*, to examine into the truth of the alleged violation; and if such violation be made appear, then to pronounce and adjudge that the said charter is forfeited and annulled; and every issue of fact, which shall arise in such proceeding, and may be joined between the state and the corporation aforesaid, shall be tried by jury, and it shall be lawful for the court aforesaid to require the production of such of the books of the corporation as it may deem necessary for the ascertainment of

Agent may be appointed by the General Assembly.

Scire facias against state bank when and for what cause to be issued.

Counsel to be employed.

Annual meeting of the stockholders of the branches.

Certificates of stock to issue, how transferred.

Penalty for refusing to permit examination of stock book.

Stock may be sold on execution.

Rules concerning voting for directors.

the controverted facts; and the final judgment of the court aforesaid shall be examinable in the Supreme Court of the state, by writ of error, and may be there reversed or affirmed according to usages of law; and it shall be the duty of the Governor to employ counsel on behalf of the state, to prosecute such writ of *scire facias*.

SEC. 27. That a general meeting of the stockholders of each branch shall be held annually, at such time as the directors of the State Bank shall direct, at which time elections for directors shall take place, to which meeting the directors of the preceding year shall exhibit an exact and particular statement of the state, condition, and affairs of said branch; and general meetings of the stockholders may be held at any other time, when ordered by the board of directors of the branch.

SEC. 28. Certificates of stock shall be issued to stockholders, signed by the president and cashier of the proper branch, and may be transferred on the books of the branch to be kept for that purpose and not otherwise: in which case the old certificates shall be surrendered and new ones issued. No stock shall be transferred by any stockholder when any debt is due, or is then owing or to become due from such stockholder, but by the consent of the directors of the branch, and such stock books shall, at all reasonable times during the usual hours of transacting business, be kept open for the examination of any person, having in his possession any note, bill, or obligation on any branch, then due, and the payment of which shall be refused. And in case any officer having charge of such book shall refuse to permit such examination, he shall, for every such offence, forfeit the sum of fifty dollars, to be recovered in an action of debt by the person so refused.

SEC. 29. Stock shall be considered as personal property, and may be sold on execution, and transferred on the books of the branch by the officer selling the same, but in all cases be subject to a lien in favor of the Bank, for all debts *bona fide* due, or then owing and to become due the same, from the owner.

SEC. 30. After the first election, no stockholder who shall not have held his stock, for which he votes, for three calendar months previous to the day of election, shall be entitled to vote; and the number of votes to which stockholders shall be entitled, in voting for directors, shall be in the proportion following; that is to say, for each and every share, not exceeding four shares, one vote; for every two shares above four shares and not exceeding thirty, one vote; for every four shares above thirty and not exceeding ninety, one vote; for every six shares above ninety and not exceeding one hundred and fifty, one vote; and for every

ten shares above one hundred and fifty, one vote. But no person, co-partnership, or corporation, shall be entitled to a greater number than one hundred votes. In all elections, votes may be given either in person or by proxy, but no person shall vote by proxy more than one hundred votes, and no individual stockholder, who shall be a resident of the county where the election is to be held at the time of such election, shall vote by proxy, unless in case of unavoidable absence, except females or minors.

SEC. 31. No president, cashier, clerk, or teller of said President, &c. Bank or any branch thereof, shall be permitted to vote at any election for directors, as the attorney, agent, or proxy shall not vote of any stockholder. No president, cashier, or director of the State Bank, or president or cashier of either of the branches, shall, during the term of his office, be eligible to a seat in either branch of the General Assembly of this state.

SEC. 32. The President of the State Bank shall be elected by the General Assembly, by ballot of each house separately: *Provided*, that no person shall be elected as such president unless he gets a separate majority of the votes given by each house: *Provided however*, that after three attempts at an election as aforesaid, should no concurring choice be made, the two houses shall proceed to elect the said president by joint ballot of both houses; and the person obtaining a majority of all the votes given on such joint ballot, shall be declared duly elected as in other cases. *Term of office five years; removable by joint resolution.* Such president shall hold his office for five years, unless sooner removed by joint resolution, and another appointed in his place.

SEC. 33. It shall be his duty to preside at all meetings of the board and decide all questions on which the board is equally divided, by his casting vote—he shall have power to give casting vote, call special meetings of the board whenever he may find it necessary, and do and transact all other business naturally appertaining to his office or conferred upon him by this act.

SEC. 34. The president of the State Bank shall receive as a compensation, to be allowed by the board of directors of said Bank, an annual salary, not less than one thousand, nor more than fifteen hundred dollars, payable quarterly. *His salary.*

SEC. 35. The General Assembly shall elect four directors of the State Bank, in the manner prescribed for electing the president thereof, who shall respectively hold their offices one, two, three and four years, one going out of office each year, and shall at their first meeting after their appointment, determine by lot, the periods they shall respectively hold their offices. Such directors, or any one of them, may at any time be removed by joint resolution of the General Assembly. Their compensation shall be fixed by the *Removable by jnt resoluton,*

their compensation. board of directors of the State Bank; but the compensation of any member of the board shall not be increased during the term of his appointment.

Vacancies of president, &c. of state bank, how filled.

SEC. 36. Vacancies occurring in the office of president or of any state director of the State Bank, shall be filled by appointment to be made by the Governor, until the same shall be filled by the General Assembly, as in this act is provided for the election of the president and directors of the State Bank.

One director of state bank elected annually by each branch.

Revenues to be received and paid out by the bank.

State bank to appoint cashier, &c.

Power of the directors of the state bank over the brgs.

SEC. 37. The board of directors of each branch shall annually and as often as a vacancy may occur, elect one director for the State Bank, whose compensation shall be fixed by the branch directors, and paid by such branch.

SEC. 38. It shall be the duty of said Bank and branches to receive and pay out the revenues and funds of the state, under the direction and control of the Treasurer of State, whenever the Legislature may so direct.

SEC. 39. The board of directors of the State Bank shall have power to appoint a cashier and such other inferior officers and agents as may be necessary to carry on their business; to fix their term of office and compensation, and require such bond and security from them as they may from time to time deem expedient.

SEC. 40. The directors of the State Bank shall have power to limit and control the amount of discounts and loans of the branches after they shall amount to once and a quarter the amount of capital stock paid in; to settle and adjust the accounts and balances between them; and for good cause may suspend the operations of the same. They shall have power, and it shall be their duty to regulate and equalize the state funds and public depositories that may be in bank, and may transfer the same from one branch to another as circumstances may require. But they shall in no case withdraw any part of the capital stock of any branch, or any part of its own local funds, without the consent of the board of directors of such branch, to be used in any other branches, except in cases requiring such branch to be closed as herein provided for; and they shall have power to make and prescribe all necessary by-laws to carry the powers herein conferred into effect.

Examination of branches by directors of state bank.

SEC. 41. They shall have power to appoint one or more of their number to visit and inspect the condition and affairs of each branch, when and as often as to them shall seem necessary, and it shall be their duty to make such examination at least once in six months, and also at any other time when thereto required by the directors of any branch. No director shall be appointed by the State Bank, to examine, visit, and inspect the condition and affairs of any branch from which he has received his appointment.

SEC. 42. The person or persons so examining shall have power to examine on oath or affirmation, (which they are hereby authorized to administer,) all the officers, servants, or agents of any branch, or any other person, in relation to the affairs and condition of such branch; and they shall have power to examine all the books, papers, notes, bonds, and other evidences of debt of any branch; to compare the books, funds, and property of said branch, with their returns and statements made thereof; to ascertain the amount of money and available funds on hand, and generally to make every other inquiry and examination necessary to ascertain the actual condition of such branch.

SEC. 43. The board of directors of the State Bank shall have power to require of the board of directors of each branch, reports of their business and condition, as often as shall be expedient, and not less than once each month.

SEC. 44. They shall have power whenever they shall ascertain in any manner, that any branch is insolvent, or is mismanaging its affairs, whereby the interest of the other branches is endangered, or that a branch hath violated any of the provisions of this act, or any other act binding upon them, or that any branch hath neglected or refused to comply with any legal order or direction of the board of directors of the State Bank, and it is hereby made the duty of said board forthwith to suspend the business of such branch, and the power of the branch directors over the same, and if the interest of the state, or the safety of the other branches requires it, to close up the affairs and business of said branch entirely; and to effect the same, as they are hereby vested with power to appoint a receiver or receivers who shall, under their direction and control, collect and receive the rights, credits, and effects due such branch, and turn them into available funds; to settle, adjust, and compound the same; to settle, adjust, and pay off the debts due by such branch: and if any portion of the capital stock of such branch, or stock notes given therefor, shall be unpaid, to sue for, and collect the same, as also all contributions required from stockholders under the provisions of the one hundred and second section of this act, or so much as shall be necessary to meet the demands against such branch.

SEC. 45. That a copy of such order suspending or closing any branch and appointing a receiver or receivers to take charge of the same, signed by the president and attested by the clerk of said board and the seal of said State Bank, shall be sufficient to authorize such receiver to seize and take charge of the same; and all officers, stockholders, servants, and agents of such branch shall be required to obey and submit to the same, and in default may be indicted.

Receiver to be appointed to take charge of effects.

Receiver's authority to act, &c.

ed for a misdemeanor and fined and imprisoned at the direction [discretion] of the jury trying the same; and any person fraudulently holding and concealing any of the property or effects of such branch from such receiver shall, upon conviction thereof upon presentment or indictment, be fined in any sum not exceeding one thousand dollars, and confined at hard labor in the state prison for any term of time, not less than one year nor more than ten years.

Debts of a failing branch, how paid.

SEC. 46. It shall be the duty of the directors of the State Bank to provide for the payment of all the debts of a failing branch that shall remain due after all the property, real and personal, rights, credits, and effects, and all the stock of such failing branch, and the contributions of its stockholders, shall have been first applied; and for that purpose they are hereby authorized to call on the other branches for their respective proportions; arranging the time of making such calls so that the whole amount of such debt shall be paid within one year after such failing branch shall have been suspended.

Branches reimbursed, in payment for advances to failing br'chs.

SEC. 47. And if it shall so happen that the property, stock, contributions, or effects of said failing branch shall not by that time have been turned into available means, the same shall be collected and distributed among the several branches to meet the advances by them made to pay the debts of such failing branch.

Effects of failing branch after payment of debts, how disposed of.

SEC. 48. After payment of all demands against a failing branch, if any of its effects, of whatever kind or description, shall remain, the same shall be first applied to the payment of the state stock therein, and shall be divided among the other branches and used as capital in the same as so much state stock; and if any residue should still remain, it shall be paid over to the other stockholders in their due proportions.

Order of suspension, &c., how made.

SEC. 49. Any order of the board of directors to suspend, or close a branch shall be carried by at least the votes of two-thirds of the members present at some meeting, to attest which all the members of the board shall have been notified; and the question shall be taken by ayes and noes, and the same recorded on the minutes of the board.

Regulations respecting suits, &c. ag't suspended branch.

SEC. 50. The order of the board of directors of the State Bank suspending any branch, shall likewise have the effect to suspend all suits, judgments, orders, decrees, and executions, for any claim or demand which said branch should have paid: nor shall any such suit be progressed in until the matter in controversy shall have been submitted to the board of directors of the State Bank, or the persons by them entrusted with the affairs of said branch; and if, on such submission, the justice of such claim shall not be admitted and the same be agreed to be paid on the closing up of the

affairs of said branch, the same may progress to judgment; but execution thereon, and all other executions or decrees, shall remain until one year from the time such branch was suspended.

Election of branch directors, &c.

SEC. 51. The directors of the State Bank shall have power to regulate the manner of holding elections for directors of the branches, and may, if necessary, change and fix the time of holding the same, of all which elections reasonable notice of time and place shall be given.

SEC. 52. And in case an election of directors should not be made on the day when the same should have been, the election, when directors of the State Bank shall order a new election, and the directors for the time being shall continue to hold their offices until such election takes place and their successors are qualified.

SEC. 53. No failure on the part of the General Assembly or of the branches to elect directors of the State Bank shall be considered as a dissolution of this corporation, but the directors for the time being shall continue to hold and exercise their offices until their successors are chosen and qualified.

Failure to elect directors of state bank, no dissolution of the corporation.

SEC. 54. Said directors shall have power to regulate and Dividends regulated. control the dividends of profits so that the capital stock shall never be diminished, and to create and keep up a surplus fund that shall never be less than one-sixteenth of the capital stock in each branch.

SEC. 55. In the calculation of profits previous to a dividend, interest then unpaid, although due, or accrued on debts owing to any branch, shall not be included.

SEC. 56. Dividends of profits shall be declared semi-annually.

Interest unp'd not to be included in dividends.

SEC. 57. They shall have power to close any branch which, after the first year, shall not yield a profit of six per cent. per annum upon the capital actually paid in, and the same may be proceeded in as in case of insolvency, unless the discounts shall have been limited and controlled by the directors of the State Bank, so as to prevent said stock from yielding such profit.

Branch may be closed after the first year when not producing 6 pr' annum.

SEC. 58. They shall cause to be opened and kept, by their clerks, accounts with each branch, shewing the operations of each, and keeping constantly in view their business and condition, which shall be at all reasonable times open to the inspection of any stockholder, and of any person authorized by the Legislature to inspect the same.

Accounts to be kept with the branches.

SEC. 59. They shall likewise keep a record of all their Record of proceedings, in which all their orders, votes, and resolutions shall be entered, with the ayes and noes on all questions, which shall be open to like inspection.

Record of proceedings.

SEC. 60. They shall apportion the salary of the president Salaries of the

president, &c. and all other officers, agents, and directors of the State of state bank Bank and all other general expenses, among the several apportioned branches according to the amount of stock in each, and shall have power to demand and receive the same.

SEC. 61. It shall be the duty of the directors of the State Bank to keep and preserve the original books and subscription of stock, and to cause to be returned to them from each branch every six months, a statement of all transfers of stock made the preceding six months.

SEC. 62. They shall also procure and take charge of the plates on which the paper of said Bank shall be printed, and shall cause a sufficient amount thereof to be printed from time to time as occasion may require.

SEC. 63. They shall deliver, on the order of the board of directors of each branch, an amount of such paper, not exceeding twice the amount of the capital actually paid in at such branch, except when more shall be wanted to replace that which may have been worn out, defaced, or lost; in which case all so defaced shall be returned to said board of directors of the State Bank and destroyed; and they shall give no other or greater amount for paper lost than they shall have good reason to believe is actually lost by circulation or otherwise.

SEC. 64. Five directors, with the president, shall be necessary to constitute a board for the transaction of business. But in case of sickness or absence of the president, his place may be supplied for the time being by any director whom the board may appoint.

SEC. 65. It shall be the duty of the board of directors of the State Bank, in the first week of the session of the General Assembly in each year, to make report to both houses of the General Assembly of the affairs and business of said Bank and each branch thereof, setting forth in regard to each,

1st. The amount of available funds on hand, designating each kind.

2d. The amount of notes discounted.

3d. The amount of bills of exchange.

4th. The amount and condition of the surplus fund.

5th. The amount of notes in circulation.

6th. The number of officers and servants, and the amount of compensation to each.

7th. The amount of rents paid, if any.

8th. The value of houses used for banking purposes.

9th. The value of other real estate, and whether the same has been regularly offered for sale, as by this act required.

10th. The amount of debts due to, and from other banks.

11th. All such other matters as shall by them be deemed

Bank paper to be deliver'd to the branches.

Quorum.

Directors of state bank to report annually to the Legislature.

Branch direc-

ed material and important, or shall be required of them by the Legislature. A like report shall be furnished to the General Assembly, by the board of directors of each branch. Such report made by the directors of each branch, shall contain such statement of the condition of the same as aforesaid, as the same is found on the 3d Saturday of November, in such year, at 2 o'clock in the afternoon.

SEC. 66. The directors, and all other officers and agents of the State Bank, and of each branch, shall severally, before they enter upon the duties of their office, make oath or affirmation well and faithfully to discharge the duties of the same.

SEC. 67. The stockholders of each branch shall, by ballot, annually elect not less than seven, nor more than ten directors for such branch, the number to be settled by the directors of the State Bank; and the directors of the State Bank shall appoint three directors for each branch: such branch directors shall hold their office for one year, and until their successors are chosen and qualified.

SEC. 68. The said branch directors, at their first meeting after each election, shall choose one of their number to be president, and shall have power to appoint a cashier, and such other officers and agents as they may deem necessary, whose term of office, and whose compensation, together with that of the president, shall be established by the directors. They shall also have power to fill all vacancies occurring in their own body, except in those appointed by the State Bank, which shall be filled by those directors of the State Bank, appointed on the part of the state.

SEC. 69. No director appointed by the directors of the State Bank shall be chosen more than twice in three years.

SEC. 70. No branch director, except the president, shall receive compensation for his services, unless by vote of the stockholders.

SEC. 71. No person shall be elected a director of a branch by the stockholders, who shall be in arrear to such branch, nor unless such person shall be a citizen of the state, and a stockholder owning in his own right and not in trust, at least five shares in such branch. But in case there should not be a sufficient number of stockholders owning five shares to constitute the directory, they may be elected out of those having the highest number of shares.

SEC. 72. If during his term of office any director shall become in arrear, or fail in business, remove from the state, or cease to own the requisite amount of stock, or otherwise become disqualified, it shall be the duty of the said board of directors forthwith to vacate his seat, and appoint another in his place.

SEC. 73. No person shall be a director in more than one persons inhi-

Election of branch directors.

President, cashier, &c. how chosen.

Branch director on the part of the state, how long eligible.

No compensation to branch director, except, &c. Who may be branch directors.

Seat of director may be vacated.

gible for directors.

Officers of each branch to give security.

Report to the directors of state bank, &c.

Journal to be kept; to be open for inspection.

Elections to be viva voce. By-laws of the branches.

Rules to be observed by branch directors.

branch at the same time; nor shall two or more partners be at the same time directors of the same branch, or of the State Bank and a branch thereof; nor shall a director of any monied corporation, having power to discount and to receive deposits, be a director of any branch.

SEC. 74. The board of directors of each branch shall have power to require such security from their officers and agents for the performance of their duties as they may deem necessary.

SEC. 75. It shall be their duty to make report of their business, and condition of their branch to the board of directors of the State Bank, once in each month, and oftener if thereto required by said board, setting forth all the particulars required in their reports to the Legislature, and shall also send copies of their monthly reports to each branch.

SEC. 76. The board of directors of each branch shall keep a book or books, in which shall be entered and faithfully recorded a journal of all their proceedings, which book shall be open to the inspection of all the stockholders, at all regular meetings of the same; and also, be open to the inspection of any three stockholders, holding together in their own right, twenty shares of stock, on application by them made to the president or cashier.

SEC. 77. All elections by the several boards of directors shall be viva voce, and recorded.

SEC. 78. The directors of each branch shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful, touching,

1st. The government of their respective branches, and the management and disposition of its stock, business, property, estate, and effects.

2d. The time, manner, and terms upon which discounts and deposits shall be made and received in, and by the same.

3d. The duties and conduct of the officers, clerks, and servants employed by the same, and

4th. All such matters as may pertain to the concerns of said branch, subject to the control of the directors of the State Bank, in the cases and according to the powers herein given to the directors of the said State Bank.

SEC. 79. In the management of their business, the board of directors shall observe the following rules:

1st. No branch shall loan money on the security of its own stock.

2d. No persons shall be accommodated with a loan while in arrear for stock, for interest, or for loans had either on his own account or as security for others, and then due, unless the sums so due be retained and first paid out of such loan.

3d. In the renewal of notes the security shall never be lessened.

4th. No director shall be allowed to borrow out of bank on any other than the usual banking terms.

5th. The president, cashier, and directors for the time being of any branch or of the State Bank shall not be permitted to endorse for each other. Nor shall they vote on questions in which they are interested.

6th. On all applications for loans of five hundred dollars or upwards, there shall be five concurring votes out of seven, and so on in proportion, if any greater number is present; and if any such application is granted, the ayes and noes shall be entered in the minutes of the board.

7th. No corporation of any description shall, at any one time, be permitted to be indebted, at one branch, in a greater sum than five thousand dollars, for moneys loaned, unless by permission of the board of directors of the State Bank.

8th. It shall be the duty of the board of directors of each branch, as often as once in three months, to cause a strict examination to be made of the accounts of the cashier, and a full and complete settlement thereof; and a full statement thereof shall be entered on the journals of the proceedings of said board.

9th. No person shall be entitled to receive any dividend of profits on stock owned, while indebted to said Bank for any debt or demand then due and payable, but the same shall be placed to his credit until such debt or demand is paid.

10th. Seven members shall be necessary to constitute a board for the transaction of business.

SEC. 80. Every officer, agent, or clerk of said Bank or branches, who shall wilfully and knowingly subscribe or make false statements, or false entries in the books of such Bank or any branch, or shall wilfully and knowingly subscribe or exhibit false papers, with the intent to deceive any person authorized to examine or inquire as to the condition of said corporation, or shall wilfully and knowingly subscribe or make false reports, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the state prison, for such term of years as the jury trying the case may think proper; and likewise, any commissioner or examiner wilfully and knowingly subscribing or making any false report, shall be deemed guilty of felony and subjected to like penalties.

SEC. 81. Any officer, agent, or clerk employed in said Bank or any branch, who shall embezzle or appropriate the property or funds of said Bank or any branch, with the in-

Capital stock
1,600,000 dol-
lars.

Capital stock
divided a-
mong the
branches
equally.

A portion of
the state
stock may be
withdrawn
from one
branch and
placed in
another.

Subscription
books to be o-
pened. Direc-
tors of state
bank appoint
commission-
ers.

Duty of com-
missioners.

Subscriptions
for stock, how
reduced in
case of excess.

tent to cheat and defraud the same, shall be deemed guilty of felony and punished in like manner.

SEC. 82. The capital stock of said Bank shall be one million six hundred thousand dollars, in shares of fifty dollars each, one half thereof to be subscribed for, and owned by the State of Indiana, and the other half by individuals or corporations.

SEC. 83. That said capital stock shall be equally divided among the several branches hereby created, making the sum of one hundred and sixty thousand dollars at each branch, and if at any time that amount cannot be profitably used in any branch, the directors of the State Bank, by and with the consent of the directors of such branch, may withdraw such portion of the state capital as cannot be profitably employed in said branch, and place it in such of the other branches as can most advantageously use the same; and such portion, when placed in a branch, shall, for the time it shall remain therein, be considered as so much of an addition to its capital, and it may govern its operations accordingly; and the branch from which such state stock is taken, shall be regulated in its operations [according] to its remaining capital: and the directors of the State Bank may, when they deem it expedient, withdraw such portion of the state stock from any branch, for the purpose of being replaced as state stock in the branch from which it shall have been taken, or in any new branch that shall be organized, or in any of the other branches.

SEC. 84. The directors of the State Bank, after giving thirty days notice in all the newspapers of this state, shall cause to be opened, books for the subscription of stock at such places within the districts aforesaid, as they may designate for the location of branches, under the direction of three commissioners, whom they shall appoint. Said books to be kept open between the hours of 9 and 12 o'clock, A. M. of each day for the space of thirty days.

SEC. 85. If stock to the amount of eighty thousand dollars shall be subscribed within said time for either of the branches aforesaid, it shall be the duty of the commissioners having charge of the stock subscription books, to examine as to the responsibility of the subscribers for the stock, and if by them deemed responsible, or not, to make their report accordingly in writing under their signatures, to the directors of the State Bank without delay.

SEC. 86. If on closing the books at any of said places, it shall be found that more than eighty thousand dollars have been subscribed for any branch, the excess shall be taken, first, from such as reside out of this state; then from corporations; and should there still be an excess, the same shall be taken in proportion from the subscriptions over five

hundred dollars, until all are reduced to that amount; then from all equally until the whole amount shall not exceed eighty thousand dollars.

SEC. 87. If a sufficient amount of stock shall be subscribed for by responsible persons at any of the branches, it shall be the duty of the State Bank directors, as soon as they can ascertain when said branches can be furnished with the capital on the state stock in said branches, to give notice to the subscribers for stock, of the time when the first payment on their stock shall be made, which notice shall be by publication in the nearest newspaper to each branch, sixty days before any payment shall be required to be made.

SEC. 88. The directors of the State Bank, at the time of giving the notice as to the payment of the first instalment on the stock, shall also in like manner give notice that an election will be held on the day succeeding that appointed for the payment of the stock, between the hours of 10 A. M. and 4 o'clock P. M. of said day, at some public place, at the point where the branches shall be located, for the election of directors on the part of the stockholders in their respective branches.

SEC. 89. In case of failure, on the part of any subscribers for said stock to meet the first instalment, the commissioners having in charge the subscription books for stock, shall immediately re-open said books and keep the same open for the space of twelve hours, for the purpose of permitting subscriptions for such share or shares on which payment has failed to be made; and should there be more subscribers than there are shares to be subscribed for, preference shall be given to such as are not holders of shares, and the shares shall be equally distributed among the remaining subscribers; and if the number of subscribers shall still more than equal the number of shares to be taken, those who shall have shares shall be decided by lot, under the direction of said commissioners.

SEC. 90. The subscribers for stock at each of the branches shall, at the time appointed by the president and directors of the State Bank, pay, in specie, the sum of thirty thousand dollars to the commissioners having charge of the stock subscription books for the respective branches, as the first payment on their stock; and the residue of said stock shall be paid in specie in two equal annual instalments; and each resident stockholder in said branches shall have the right of having the instalments that shall become due on his stock paid for by the state of Indiana, in specie, to the proper branch, upon securing the amount of the same to the state, to be repaid on or before the expiration of nineteen years from the year eighteen hundred and thirty-four, with interest thereon at the rate of six per cent. per annum, paya-

Notice by di-
rectors of the
state bank to
the stockhol-
ders for first
instalment.

Notice for the
election of
branch direc-
tors on the
part of stock-
holders.

Duty of com-
missioners in
cases of non-
payment of
first instal-
ment.

Individual
stock in the
branches,
how paid.

ble semi-annually, by giving a bond and mortgage on the fee simple of unincumbered real estate, the fair cash value of which shall be (exclusive of perishable improvements) at least equal to twice the amount of such loan. The said bond and mortgage to be taken in the manner and subject to the provisions hereinafter specified.

State stock in branches how subscribed and paid for.

SEC. 91. As soon as the stock shall have been subscribe d and paid for, at any of the branches as aforesaid, it shall be the duty of the president and directors of the State Bank to subscribe for eighty thousand dollars of stock in such branch, on the part of the state; of which fifty thousand dollars in specie shall be paid by the president and directors of the State Bank, to such branch at the first general meeting of the board of directors of the State Bank after the organization of the board of directors of any such branch; and at the same time the president and directors of the State Bank shall give to the president and directors of the branch an order on the commissioners for the subscription of stock, for the payment of the thirty thousand dollars paid on the stock of said branch. And the residue of the state stock shall be paid in like manner, in two equal annual instalments from the time of said general meeting of the president and directors of the State Bank.

Governor's proclamation authorizing banking operations to commence.

By-laws, &c. to be delivered to each branch.

Forfeitures for non-payment of instalments on stock.

SEC. 92. When the president and directors of the State Bank and branches shall have been qualified by taking their oath or affirmation of office, and shall have organized themselves and informed the Governor of the state that the State Bank and branches are prepared to enter upon the business of banking, he shall, by proclamation, authorize said State Bank and branches to commence their banking operations.

SEC. 93. At the first general meeting of the board of directors of the State Bank they shall deliver to the president and directors of each branch the by-laws, rules and regulations for the same, together with the bills, notes, checks, books and papers, provided for such branch, taking the necessary receipts therefor; and also for the amount of stock, paid on the part of the state, in such branch, a duplicate of which receipt shall be filed by the president and directors of the State Bank, in the office of the Treasurer of State.

SEC. 94. Should any failure of payment on the first, or any subsequent instalment, take place on the part of any subscribers for said stock, then and in such case, the party failing shall forfeit and pay, if for the first instalment, the sum of ten dollars per share, to the president and directors of the State Bank, to be recovered by an action of debt; and, in case of a failure to pay any subsequent instalment

at the time required by this charter, the president and directors of the branch shall be at liberty to sell and transfer any such share or shares of stock at public auction, after giving ten days notice thereof in writing, put up at the door of said branch bank; and any surplus remaining, after paying the amount due and incidental charges, with ten per cent. on the amount paid on such share or shares on which such instalment shall be due, shall be paid over to the owner or owners of such stock, previous to the sale thereof; and, if the same cannot be sold for sufficient to pay up the instalment then due thereon, the same shall be forfeited and become the property of the proper branch.

SEC. 95. The dividends declared by the directors of the State Bank, on the state stock, and on such portions of the stock belonging to the other stockholders who have had their stock paid for through the medium of the state loan, and which shall not have been paid for by such stockholders, shall be paid by the directors of the State Bank and branches to the board of commissioners of the sinking fund, and not otherwise, unless upon the written instructions of the board to that effect. And it shall be the duty of the directors of the State Bank to ascertain, at the times of making their dividends the amount due of the loan, on the part of the state, to such stockholder, and declare the dividend thereon accordingly; and the dividends accruing on the stock, or such portions of the stock as shall not be required to be paid to said board, shall be paid on demand, to the holders thereof respectively, except in cases expressly provided by this charter.

SEC. 96. In case the amount of such dividend on individual stock so herein provided, to be paid to the commissioners of the sinking fund shall not be sufficient to pay the interest due from the owner of such stock for the money so loaned to him by the state, then it shall be lawful for said commissioners to demand and receive of said Bank a sufficient sum from the dividends due on the residue of the stock of such owner, as will pay the balance of such interest.

SEC. 97. It shall be lawful for said Bank or any branch to discount or receive any note or other evidence of debt in payment of any instalment due, or to become due on any shares of its stock, or with the intent of providing the means of making such payment, or to receive or discount any note or evidence of debt, with the intent of enabling any stockholder to withdraw any part of the money paid in by him on his stock: nor shall said Bank or any branch make any loan of its specie, or discount or receive any note or other evidence of debt for the purpose of furnishing means for any new branch to organize, or to enable any new branch.

Dividends on state stock, &c. paid to commissioners of sinking fund.

Regulations concerning the dividends of stockholders whose stock has been paid for thro' the medium of the state loan.

Inability of dividends in such cases to pay the interest.

Discounts, &c. shall not be made to the stockholders to pay instalments.

Loans, &c. shall not be made for the purpose of organizing any new branch.

Debts due to
or from the
bank shall not
exceed twice
the capital
paid in.

Individual li-
ability of di-
rectors in case
of excess.

Directors ab-
sent or dis-
senting may
be exonerated
from liability
by giving no-
tice.

Absent direc-
tor failing to
give notice,
deemed con-
cerned.

Insolvency
when deemed
fraudulent.

subscriber for, or holder of shares of the stock of any branch, to make payment of any instalment due thereon.

SEC. 98. It shall not be lawful for said Bank and branches at any time to have a greater amount of debts due to said Bank and branches, than twice the amount of the capital stock actually paid in; nor shall said Bank and branches, owe or be indebted in a larger sum than twice the amount of its capital paid in, exclusive of sums due on deposits; nor shall any branch at any time have due or owing to it, or be indebted, exclusive of deposits, in a larger sum than twice the amount of its capital stock actually paid in, without express permission from the board of directors of the State Bank: and such permission shall only be given in cases where one branch shall loan to another branch a part of its funds, to be used for definite time, and such permission shall only extend to such period of time; and in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their individual and private capacities, in an action of debt against them, or any of them, in any court competent to try the same, by any of the creditors of said Bank or the Bank itself, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding: but this shall not be construed to exempt the said Bank, or the lands, tenements, goods, chattels, money or effects of the same, from being also liable for, and chargeable with such excess.

And any director or directors, who may be absent when such excess is created or contracted, or who may have dissented from the resolution or act, whereby the same was created or contracted, may respectively exonerate themselves from being so liable by causing or requesting in writing, at the time, his or their dissent, to be entered on the minutes of the board, and by forthwith giving notice, of his or their absence or dissent, to the Governor of the state, and to the stockholders by giving notice thereof in some newspaper published near said Bank or branch.

SEC. 99. Every director not present at the meeting when such excess shall be created or contracted, shall, nevertheless, be deemed to have been concerned therein, if the same shall appear on the books of the board, and he remain a director for six months thereafter, and does not within that time give notice of the same, as required in the preceding section.

SEC. 100. The insolvency of said Bank or [any] branch shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents, receiving compensation for their services, are bound

by law to observe; and it shall be incumbent on the directors and stockholders of the Bank, or any branch, should the same become insolvent, to repel by proof the presumption of fraud.

SEC. 101. In case of the fraudulent insolvency of said Bank or any branch, the president and directors of said Bank or branch respectively, by whose acts or omissions the insolvency was wholly, or in part occasioned, and whether then in office or not, shall each be liable, in the first instance, to the creditors and stockholders of the said Bank or branch, or any or either of them, for his proportional share of their respective losses; the proportion to be ascertained by dividing the whole loss among the whole number of directors liable; and if any such president or director shall be unable, by reason of being insolvent, or for any other cause to pay his proportional part of such loss, then the residue of said loss shall be borne and paid in equal parts by the remaining directors liable as aforesaid, until the whole loss shall be reimbursed, or the whole property, rights, credits, and effects of each of said directors shall have been exhausted toward the payment of such loss; but this section shall not be construed to diminish the liability of directors as before declared.

SEC. 102. If the moneys remaining due to the creditors of said Bank or any branch whose insolvency shall be adjudged fraudulent, after distribution of its effects, and after the property, rights, credits and effects of the president and directors of such insolvent Bank or branch shall have been exhausted, shall not be paid by the stockholders, the deficiency shall be made good by the contributions of the stockholders of the branch becoming insolvent. The whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock of said branch, and the sum necessary to be paid on each share shall then be ascertained, and each stockholder shall be liable for the sum assessed on the number of shares held by him not exceeding the nominal amount of such shares, in addition to the sums paid, or which he may be liable to pay on account of those shares; but, before such contribution shall be required, or assessment made, on any shares where the whole stock had been paid, the instalments unpaid on any shares shall be required to be paid up, and the estimate of the deficiency made accordingly.

SEC. 103. For the purpose of providing funds on the part of the state to pay her subscription of stock in said Bank and afford to her citizens, who may become stockholders therein, the ability of paying up their second and for what third instalments of stock, the Commissioners of the Canal Fund are hereby authorized and directed to contract on

Liability of
president and
directors in
case of fraud-
ulent insolv-

Faith of the state pledged.
Bond of fund commissioners, &c.

the part of this state, a loan of one million three hundred thousand dollars, or so much thereof as shall be required for the purposes of this act, at a rate of interest not exceeding five per cent. per annum, redeemable after twenty and within thirty years, at the pleasure of the state—for the payment of which and the interest thereon, at such time and place as agreed upon, the faith of the state is hereby irrevocably pledged. Previously however, to said Fund Commissioners performing any duties by this section provided, they shall enter into bond with good security, in a penalty to be fixed by the Treasurer of State, payable to the state of Indiana, conditioned well and truly to perform the trust reposed in them, and to pay over all moneys to the president and directors of the State Bank of Indiana, which they may receive, on account of any contract or loans made by them, in behalf of the president and directors of the State Bank of Indiana, which bond shall be approved by the Treasurer of State, and when so approved it shall be his duty to cause it to be filed in the office of the Secretary of State.

Loan drawn by instalments.

Sec. 104. Said loan shall be so negotiated from time to time as to be drawn for by instalments as follows: not exceeding five hundred thousand dollars when the said Bank shall be ready to receive the same for business, and the residue in two annual payments thereafter; such instalments to be varied in amount to suit the number of branches that shall organize under the provisions of this act.

Bonds for loan to be issued by commissioner, &c.

Sec. 105. The said commissioners or a majority of them, shall have power to issue bonds for said loan executed by them payable to order or bearer, copies of which bonds shall be filed in the office of the Secretary of State.

Commissioner's compensation.

Sec. 106. Said commissioners shall receive the same per diem compensation for their services herein as now allowed them, also their expenses to be adjusted by the directors of the State Bank.

Commissioners to report to General Assembly.

Sec. 107. Said fund commissioners shall make report to the General Assembly fully of their proceedings herein; they shall keep a record of their proceedings; shall pay over the said loan on the order of the president and directors of the State Bank, and take and preserve all proper drafts and vouchers therefor.

Amendments to this charter—how made.

Sec. 108. That it shall be lawful for the General Assembly by and with the consent of the president and directors of the State Bank and of the president and directors of each branch, and not otherwise, to make such amendments and alterations in this charter, as may be found expedient: *Provided*, That said Bank or any of its branches, shall not be authorized by any such amendment to suspend or refuse the payment of specie for its notes, bills or obligations; or

Proviso.

for any moneys received upon deposite, and that no such amendment shall be made, the faith of the state is hereby pledged to the creditors of said Bank and branches.

Sec. 109. The state reserves the power of making provision hereafter for the investment of the proceeds of the sales of the college lands, lands reserved for the use of township schools, and saline reservations, and such other corporate or state funds which may be deemed expedient, as stock in said Bank under such regulations as will secure the safety of the same, and make them more productive and guard the rights of those concerned.

Sec. 110. That the president and directors of the State Bank, first elected by the state, shall have power to organize themselves as a board of directors of the State Bank, by taking the oath or affirmation and giving bond as herein required, and shall, when so organized, have power to open or cause to be opened the books of subscription and to locate and organize the branches herein authorized, to procure plates, and cause paper to be struck and to do and perform all those things requisite and necessary to put the said branches in operation, any thing in the sixty-fourth section of this act to the contrary notwithstanding.

Sec. 111. That it shall not be lawful for the said Bank, after the first of January, eighteen hundred and fifty-seven, to discount, loan money, or do any other banking business, and all the powers herein conferred shall cease, except those incidental and necessary to collect and close up its business. And the General Assembly hereby retains the power at any time after the said first [of] January, eighteen hundred and fifty-seven, to establish a new Bank and branches, notwithstanding the privilege herein conferred.

Sec. 112. This act shall be taken and received in all courts, and by all judges and magistrates, and other persons as a public act; and all printed copies of the same, which shall be printed by or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever.

Sec. 113. There shall be created a fund to be called the Sinking fund created. sinking fund, which shall consist of all unapplied balances of the loan or loans procured on the part of the state for its stock in the State Bank, or for the purpose of being loaned to stockholders to enable them to meet their stock instalments in the Bank; the semi-annual payments of interest on the state loans to stockholders, and the sums that shall be received in payment of said loans; the dividends that shall be declared and paid by the State Bank on the state stock, and the dividends accruing on such portions of the stock belonging to the other stockholders as shall have

Power reserved to the State in relation to college funds, &c.

Powers of the president and directors of the state bank—first election by the state.

Banking powers to close in 1857.

Power reserved to the Legislature.

This declared a public act.

been paid for by the loan on the part of the state, and which shall not have been repaid by such stockholders.

For what purpose reserved.

SEC. 114. The principal and interest of said sinking fund shall be reserved and set apart for the purpose of liquidating and paying off the loan or loans and the interest thereon, that shall be negotiated on the part of the state for the payment of its stock in the State Bank, and the second and third instalments on the shares of the other stockholders in said Bank, and shall not be expended for any other purpose until said loan or loans, and the interest thereon, and incidental expenses shall have been fully paid; and after the payment of said loan or loans, the interest and expenses, the residue of said fund shall be a permanent fund, and appropriated to the cause of common school education in such manner as the General Assembly shall hereafter direct.

Board of commissioners. Their duty.

SEC. 115. The president and directors on the part of the state, of the State Bank, shall constitute a standing board of commissioners of the sinking fund, and the president of said Bank shall be the president of said board, and the cashier of said Bank shall be the clerk of said board. They shall have the superintendence and management of said fund under such powers and restriction as are conferred or imposed by this act, or the legislature, from time to time shall prescribe. It shall be the duty of said board to loan all moneys belonging to said fund, and examine the title to all real estate mortgaged to the state to secure the loans made by the state to the stockholders in the State Bank, and the loans made by said board of moneys belonging to said fund; to ascertain and determine the value of such real estate; to take the necessary bonds and mortgages to secure the payment of any such loans and the interest thereon; to receive and collect the amount due of the principal or interest of any such loans; and in the examination of the title to real estate, fixing the value thereof and the amount for which it is to be mortgaged, the amount of the loan, its duration and rate of interest, the nature of the mortgage, the registering, cancelling, or foreclosing thereof, and in the making and collecting any of said loans with the interest thereon, the said board shall be governed in all respects by the provisions of the several acts authorizing the loaning of the seminary funds, except on loans made by the state to stockholders in the State Bank, the time for the payment of the principal and interest of said loans shall be regulated by this charter. The said board shall receive and collect from the State Bank the semi-annual dividend that shall be declared on the state stock, and on such portions of the stock of other stockholders as shall have been paid for through the medium of the state loan, and which

shall not have been repaid by such stockholders to said board.

SEC. 116. It shall be the duty of said board to see that the interest is promptly paid on the state loan or loans made for the payment of its stock, or that of the other stockholders in the State Bank; and for this purpose they shall have the right to command the services of the president and directors of the State Bank, free of charge, to pay the same; and it shall be the duty of said Bank to pay said interest on said loan or loans, when required by said board, the said Bank to be reimbursed for the amount of interest thus paid by said board, and all exchange and expenses actually incurred.

Their further duty, in paying interest on state loan.

SEC. 117. Said board shall make all necessary arrangements for meeting any legal charges or requisitions on said fund, and pay and discharge the same in the manner prescribed by law. They shall keep, in a book to be provided for that purpose, full accounts of all their acts and proceedings, and an account shall be kept showing in detail the receipts, loans, and disbursements of said fund; separate books shall be kept, in which shall be entered the amount of the receipts of dividends on the state stock in the Bank, and on account of each stockholder that is required to be paid to said board; and after the payment of the interest due on the loan of any such stockholder to the state, out of said dividends or otherwise, the residue of such dividends shall be applied to the payment of his loan, and shall be credited on his bond and mortgage by said board; and when such bond and mortgage shall be satisfied by said dividends or otherwise, the same shall be cancelled, and the bank dividends on the stock of such stockholder shall not be paid to said board, but to the owner of said stock.

An account of the acts, &c of the board shall be kept.

SEC. 118. The said board shall annually report to the Legislature, during the first week of its session, giving a full and detailed statement of the operations and situation of said fund.

Board make a report to the Legislature annually.

SEC. 119. The president and commissioners of said board, the clerk, and all its agents, shall each, before entering on their duties, take an oath or affirmation faithfully to discharge the duties assigned them, a certified copy of which shall be filed in the office of the Treasurer of State. The said president, commissioners, and clerk shall severally give a bond to the state of Indiana, with such securities as shall be approved of by the Governor, in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of their office, the amount of which bonds may be enlarged from time to time, or one or more additional bonds required, as the Legislature may require, which

Oath and bond of commissioners, &c.

BANK.

Compen-
sation.Rights reser-
ved to the Lo-
gislature.State direc-
tors in the
branches may
be employed
as agents of
the board.

bonds shall also be filed in the office of the Treasurer of State.

SEC. 120. The said commissioners, for each and every day they may be necessarily engaged in the discharge of the duties of their office, shall each be allowed two dollars per day; and they shall make such allowance for the services of their clerks and agents as shall be a fair and reasonable compensation therefor, which sums, with the incidental expenses for stationary, &c. for said board, shall be paid out of said fund, and an account thereof be embraced in the annual report of said board. The Legislature reserves the right of changing the amount of the compensation of any of the officers in this section mentioned other than that of the president.

SEC. 121. The board of commissioners of the sinking fund shall be authorized to employ, as agents, the directors on the part of the state, in any of the branches, for the purpose of making and securing any loan, or to collect the same or the interest thereon, or the dividends coming to said fund from any branch of which agents are directors, the said board being responsible for the acts of such agents.

SEC. 122. This act shall be in force from and after its passage.

CHAPTER VIII.

An Act supplemental to an act entitled "An act establishing a State Bank, approved January 28, 1834."

[APPROVED JANUARY 30, 1834.]

Salary of the
President.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That until the State Bank and branches shall go into operation as authorized by the act to which this is supplementary, the annual salary of the President of the State Bank shall not commence; but for any previous services he shall perform by virtue of his office, he shall receive such reasonable compensation as the board of directors of the State Bank shall direct.

SEC. 2. This act to take effect and be in force from and after its passage.

BRIDGES.

CHAPTER IX.

An Act to amend an act entitled "An act authorizing the seizure of boats and other vessels for debt."

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That boats and vessels of all descriptions built, repaired, or equipped within the jurisdiction of this state, and all boats and other vessels built, repaired, or equipped by citizens of this state without the jurisdiction thereof, shall afterwards come within such jurisdiction, shall be liable for all debts contracted by the master, owner, or consignee thereof, on account of work done, supplies, or materials furnished by tradesmen, mechanics, or others, for or on account of, or towards the building, repairing, fitting, furnishing, or equipping such boats or vessels; and the debts so contracted shall be a lien on such boats or vessels, their tackle, apparel, and furniture; and shall have preference to any and all other debts due from the owners, masters, or consignees thereof as aforesaid, except mariners' and boatmen's wages.

SEC. 2. That the first section of the act to which this is an amendment be, and the same is hereby repealed.

SEC. 3. That the provisions of the second section of the act to which this is an amendment shall be extended to all cases arising under the first section of this act.

This act to be in force from and after its passage.

CHAPTER X.

An Act to authorize John M. Lemon, John Brown, David Dinwiddie, and Andrew Burnsides to build a toll bridge across the Kankakee River.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Lemon, John Brown, David Dinwiddie, and Andrew Burnsides, their agents, heirs, or assignees be, and they are hereby authorized, on the following conditions and subject to the following restrictions hereinafter specified, to erect at their own expense a toll bridge across the Kankakee river, on the Yellow river road, and to turnpike or causeway the marsh on the north side of the said river for fifty rods, and on the south side of said river for one and a half miles.

SEC. 2. Said bridge shall be at least sixteen feet wide in the clear, with good and sufficient hand railing on each

Persons au-
thorized to
build the
bridge.

side, and in other respects strong, convenient, and substantial, for the safe and easy passage of all travellers, horses, cattle, hogs, carriages of every description, and such other commodity or thing whatever which may pass that way, and constructed in such a manner as not to obstruct the navigation of said river. Said marshes to be causewayed or turnpiked in such a way as to make a good and substantial road in all seasons of the year.

Rates of toll.

SEC. 3. If the said John M. Lemon, John Brown, David Dinwiddie, and Andrew Burnsides, their agents or assignees shall, within two years after the passage of this act, have erected and completed the said bridge, in the manner contemplated by this act, their heirs, representatives, or assigns may ask, demand, and receive the following rates of toll, viz: for wagon and two horses or oxen, thirty-seven and one half cents; for each additional horse or ox, six and a fourth cents; for man and horse, twelve and a half cents; for a footman, six and a fourth cents; horses or cattle loose, or in the order of a drove, three cents; hogs or sheep, one cent each; all carriages drawn by one horse, twenty-five cents; and other things in proportion: *Provided*, that public mails may pass said bridge free from the toll aforesaid.

List of toll rates to be posted up.

SEC. 4. It shall be the duty of the said John M. Lemon, John Brown, David Dinwiddie, and Andrew Burnsides, their agent, heirs, or assignees to keep up, in some convenient place on said bridge, where the toll shall or may be received and collected, a list of the rate of toll allowed to be received, which list shall be printed in large English print, and for every day the same shall be neglected after reasonable time to have the same printed, they shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace by the person suing for the same.

Penalty for pulling down toll rates.

SEC. 5. If any person or persons, other than the persons lawfully keeping said bridge, shall pull down, deface, alter, or destroy said printed list of rates, he, she, or they so offending shall, upon conviction thereof by presentment or indictment, forfeit and pay not less than three nor more than twenty dollars, to the use of the county seminary of La porte county.

Bridge to be examined when finished.

SEC. 6. That the board of county commissioners of La porte county shall, upon application of the said John M. Lemon, John Brown, David Dinwiddie, and Andrew Burnsides, their agent, heirs, or assignees, appoint five disinterested freeholders whose duty it shall be to examine said bridge and marsh, when the same shall have been completed, at the expense of said applicants; and if they shall certify that the said bridge and marsh is in every respect completed and improved, as required in the second section of this act, it shall be lawful for the said John M. Lemon,

John Brown, David Dinwiddie, and Andrew Burnsides, their agent, heirs, and assignees to ask, demand, and receive toll, in the way herein set forth, and to enjoy all the privileges, emoluments and advantages secured to them by this act, so long as they shall keep said bridge in repair: *Provided*, however, that when the said county commissioners, or their successors in office, at any time after ten years after the completion of said bridge, shall think it the interest of the said county of Laporte to purchase the same upon the award of five freeholders, two chosen on the part of the proprietors and two chosen on the part of the county, and the fifth chosen by the four chosen as aforesaid, what the value of the bridge is, it shall be given up by the proprietors upon payment of the sum awarded, to the use of the said county.

SEC. 7. It shall be the duty of the said John M. Lemon, John Brown, David Dinwiddie, and Andrew Burnsides, ^{Bridge to be kept in good repair.} their agent, heirs, or assignees, so long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair; and in default thereof shall, on conviction thereof before any justice of the peace by action of debt, pay any sum not exceeding fifty dollars, at the discretion of the justice who tries the same, for the use of the county seminary of Laporte county, and moreover be liable to the action of the person aggrieved thereby.

SEC. 8. If the said John M. Lemon, John Brown, David ^{Penalty for charging illegal toll.} Burnsides, their agent, heirs, or assignees shall demand and receive, from any person or persons, any higher or greater toll than is authorized in the third section of this act, or shall collect or demand any rate of toll from any person from this act exempted, he or they shall forfeit and pay the sum of five dollars, to be recovered by action of debt at the suit of the party aggrieved.

SEC. 9. That no other person shall be authorized, after ^{Ferry.} said bridge shall be completed for passengers, to establish any ferry or bridge over said Kankakee river within one mile of said bridge, for and during the time said bridge is kept in repair as a toll bridge.

SEC. 10. This act to take effect from and after its passage, and be and continue in force for the term of twenty years, after which all the rights and privileges herein granted shall cease and determine.

CHAPTER XI.

An Act to incorporate the Fort Wayne and St. Mary's Bridge Company.

[APPROVED FEBRUARY 1, 1834.]

Corporation created.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of "The Fort Wayne and St. Mary's Bridge Company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended, in law and equity in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution or laws of this state or the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. That John Spencer, William Rockhill, William G. Ewing, Henry Rudisell, and Allen Hamilton shall be commissioners to open books for securing subscriptions to the capital stock of said corporation; and the said books shall be opened on or before the first day of May, A. D. 1834, and each of said commissioners may receive subscriptions.

Capital stock.

Meeting of subscribers. Election of directors.

SEC. 3. The capital stock of said corporation shall be one thousand dollars, divided into shares of ten dollars each.

SEC. 4. Whenever one hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in the newspaper called the "Fort Wayne Sentinel," printed in Fort Wayne, giving at least three weeks notice of the time and place of the meeting of the subscribers to choose directors; and at the same time and place appointed, the stockholders shall choose seven directors, being stockholders of the said corporation, a quorum of whom shall be competent to transact business. A new election of directors shall be held annually at such time and place as the stockholders at their first meeting shall appoint. The directors chosen at any election shall, as soon thereafter as may be, choose out of their number one person to be president, who shall appoint a secretary and treasurer.

Instalments.

SEC. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as they may think proper, and in the penalty of forfeiting their respective shares and all previous payments thereon.

SEC. 6. The said corporation may erect a toll bridge across

the St. Mary's river, at or near the point where the St. Joseph and Fort Wayne state roads cross the said river in the vicinity of Fort Wayne in the county of Allen.

SEC. 7. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of the said bridge, and demand and receive a toll not exceeding the following rates, to-wit: every four wheeled pleasure carriage drawn by two horses, twenty-five cents, if drawn by four horses, thirty-one cents; every two wheeled pleasure carriage, ten cents; every wagon or cart drawn by two horses or oxen, nineteen cents, if drawn by four horses or oxen, twenty-five cents; each sled or sleigh and two horses or oxen, ten cents; every one horse cart, wagon, sleigh, or cutter, eight cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack, mule, or head of neat cattle, two cents; every sheep or hog, one cent. But all persons going to and returning from places of religious worship, going to or returning from a grist mill with a grist, going to or returning from training when doing duty in the militia, shall be exempt from paying toll.

SEC. 8. If any person or persons shall wilfully impair or injure said bridge, he, she, or they so offending, shall forfeit and pay to the corporation the sum of ten dollars, to be recovered with the costs of suit, and shall also be liable to pay to the corporation treble the amount of the damages sustained with costs of suit, to be recovered in an action of trespass in any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate, without having paid the legal toll, he shall forfeit and pay to the said corporation eight times the amount of the legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll-gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs before a justice of the peace, to the use of the person so unreasonably hindered, delayed, or defrauded.

SEC. 11. The said bridge shall be built not less than twenty feet wide, and shall be well secured by a railing on each side, not less than four feet wide.

SEC. 12. If the said bridge shall not be constructed in four years from the passage of this act, then and in that case this act shall be null and void, otherwise remain in full force and virtue for fifteen years.

SEC. 13. The navigation of Saint Mary river shall be preserved free from obstruction, and the bridge shall be built of a sufficient height to admit loaded boats to pass under it.

Rates of toll.

Penalty for
injuring
bridge.

Penalty for
forcibly pass-
ing bridge,
&c.

Extortion,
&c.

Dimensions.

in notice
motorboat

Limitation,

to virtuous

Navigation.

Capital stock
extended.

SEC. 14. In case the said corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount not exceeding ten thousand dollars.

This act to take effect and be in force from and after its publication.

CHAPTER XII.

An Act to incorporate the Eel River Bridge Company.

[APPROVED FEBRUARY 1, 1834.]

Corporation
created.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of "The Eel River Bridge Company," and by that name shall be capable of holding real estate sufficient to carry into effect the purposes of this act, and of suing and being sued, defending and being defended in law and equity, in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution or laws of this state or of the United States, as shall be found necessary for the management and good government of said corporation.

SEC. 2. That the capital stock of said company shall be one thousand dollars, divided into shares of twenty dollars each.

SEC. 3. That John Dunn and James M. H. Allison of Owen county, James H. King of Monroe county, and James Duffield of Putnam county, are hereby appointed commissioners to open books for receiving subscriptions to the capital stock of said corporation; and the said books shall be opened for the purpose aforesaid, on or before the first day of April next, and each of said commissioners may receive subscriptions for said company.

SEC. 4. That whenever twenty-five shares of the stock of said corporation shall have been subscribed, the said commissioners shall cause an advertisement to be inserted in some newspaper published in Bloomington, Greencastle, or Indianapolis, giving at least three weeks notice of the time and place of holding an election for directors of said company; and at the time and place named in the notice given by the said commissioners, the said stockholders shall meet and by a majority of votes shall choose seven directors, a majority of whom shall form a quorum to do

Capital
stock.

Commiss-
ioners.

Election of
directors.

business; and an election for directors, after the first election shall be held annually, in such manner and at such place as a majority of said directors first chosen may order and direct; and the said directors chosen as aforesaid, shall immediately after each election, appoint one of said directors president of said board of directors, and shall at the same time appoint a secretary and treasurer thereof.

SEC. 5. That the said board of directors may demand from the stockholders respectively, all sums of money by them subscribed, at such times and in such proportions as said board may deem proper and right, under such limitations and restrictions as said board may adopt.

SEC. 6. That said company hereby incorporated, are hereby authorized and empowered, within three years from the first day of June next, to erect a bridge across Eel river, on or near the road leading from Bloomington to Greencastle, a short distance above the lower falls of said river, at the most eligible site for erecting said bridge.

SEC. 7. Whenever the said bridge shall be completed, Toll. the said company may erect a gate at either end of said bridge, and demand and receive a toll, not exceeding the following rates, to-wit: for each and every four wheeled pleasure carriage drawn by two horses across said bridge, the sum of twenty-five cents; for each and every such carriage drawn by four horses, the sum of thirty-one and one fourth cents; for each and every two wheeled pleasure carriage, the sum of eighteen and three quarter cents; for each and every wagon or cart drawn by two horses or oxen, the sum of eighteen and three quarter cents, and if such wagon or cart be drawn by four horses or oxen, the sum of thirty-one and one quarter cents; for each and every sled or sleigh drawn by two horses or oxen, the sum of twelve and a half cents; for each and every cart, wagon, sled, or sleigh drawn by one horse, the sum of twelve and one half cents; for each and every horse, mule, jack, or head of neat cattle, the sum of two cents; for each and every sheep or hog, the sum of one cent: *Provided*, that no person or persons who may go across said bridge, in going to or returning from places of religious worship, or in going to or returning from any grist mill, with or without a grist or grists, and going to or returning from places of training when doing duty in the militia of this state, shall ever be compelled to pay any toll for crossing said bridge.

SEC. 8. That if any person or persons shall wilfully impair or injure said bridge, he, she or they so offending, shall forfeit and pay to said company the sum of ten dollars, to be recovered with costs of suit, and shall also be liable to pay said company treble the amount of damages which may be sustained by the same, with costs of suit, to be re-

Demand of
subscription.

Bridge where
erected.

Proviso.

Penalty for
forcibly pass-
ing the bridge
&c.

Penalty for
causing un-
reasonable
delay, &c.

Dimensions.

Limitation.

Corporation
created.

Capital
stock.

covered in an action of trespass, in the name of said company, in any court having competent jurisdiction of said action.

SEC. 9. That if any person or persons shall forcibly pass the gate of said bridge without paying the legal toll, each person so offending shall forfeit and pay eight times the amount of such legal toll due from such person to said company, to be recovered by action of debt in the name of said company, before a justice of the peace, and costs of suit.

SEC. 10. That if any toll-gatherer of said company shall unreasonably delay or hinder any passenger at the gate of said bridge, or demand more than the legal toll, he shall for every such offence forfeit and pay the sum of five dollars, to be recovered with costs of suit, in the name and for the use of such person so unreasonably hindered or delayed by such toll-gatherer, before a justice of the peace by action of debt.

SEC. 11. That the said bridge shall be erected not less than twenty feet wide, and shall be well secured by railing on each side, not less than four feet high.

SEC. 12. That if said bridge shall not be erected within three years from and after the first day of June next, this act shall be null and void, otherwise to remain in full force for fifteen years, and to be in force from and after its passage.

CHAPTER XIII.

An Act to incorporate the Millport Bridge Company.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the stockholders of the Muscatatuck Bridge Company, as is hereinafter provided, be, and they are hereby, in law and equity, a body corporate and politic, and as such may sue and be sued, plead and be impleaded, answer and be answered unto, and do and transact any business that an individual or individuals or bodies corporate or politic may or can do, subject to the rules and limitations hereinafter provided; and the said company shall be, in pursuance of this act, authorized and empowered to erect, maintain, and keep up a bridge across and over the Muscatatuck river, near where the Mank's ferry state road now crosses the same, at Millport in Jackson county.

SEC. 2. The capital stock of said company shall consist of three thousand dollars, to be divided into three hundred shares of twenty dollars each, and may, if the directors

of such company think necessary, be increased to six thousand dollars, the balance to be divided in like manner, in shares of twenty dollars each.

SEC. 3. The affairs of said company shall be managed by eleven directors, a majority of whom shall form a quorum to do business, to be elected by the stockholders, on the first Saturday of August next, or as soon thereafter as circumstances shall permit, and on the first Saturday of August annually thereafter; and the directors, when elected, shall serve one year, and until successors shall be chosen and qualified to take their places; and should there be a vacancy of any [of] the directors, by death or otherwise, the remaining directors shall fill such vacancy at their next meeting; and until the first election to be held by said company, the following persons are hereby authorized to act as such, viz: John Early, Joseph Goodson, Andrew Housh, George Housh, Benjamin Pidgeon, John See, Jacob Burkay, Jesse B. Durham, Samuel Wort, William Crenshaw, and William Graham, a majority of whom shall be sufficient to transact business.

SEC. 4. To aid in transacting their business, the directors shall have power to make all such rules and regulations and by-laws, as they shall deem necessary to carry into effect the provisions of this act not inconsistent with the laws of this state, and to appoint one of their own body to act as president of their board, and all other officers and agents they may find necessary to employ, and when the interest of the company requires it, to remove them and appoint others in their places.

SEC. 5. As soon as the bridge contemplated to be built over the Muscatatuck river, near where the state road now crosses said river at Mill Port, shall be finished or made ready for passengers to pass over thereon, the directors of said company are hereby authorized to erect a toll gate on said bridge, and by their agent appointed for that purpose, to demand and receive from every person who may wish to pass over said bridge, toll, not exceeding the following rates, to-wit: for every four wheeled pleasure carriage drawn by two horses, twenty-five cents, if drawn by four horses, thirty-one cents; every two wheeled pleasure carriage, twelve cents; every wagon or cart drawn by two horses or oxen, eighteen cents, and if drawn by four horses or oxen, twenty-five cents; each sled or sleigh and two horses or oxen, twelve cents; every one horse cart, wagon, sleigh, or cutter, nine cents; every man and horse, six and one fourth cents; every foot passenger, three cents; every horse, jack, mule, or head of neat cattle, two cents; every sheep or hog, one cent; and in analogous proportions of the foregoing rates, for any other animal and carriages. But all

Elect of
directors.

Rates of toll.

persons having or going on no other business than going to and returning from places of religious worship, going to and returning from a grist mill with a grist, going to and returning from training when doing duty in the militia, shall be exempt from paying toll. And said company, for detaining passengers who may wish to pass, or neglecting to keep said bridge in a proper repair, shall be liable to the same penalties and damages that ferrymen shall be liable to for failing to keep proper or suitable boats, other water crafts, and watermen; and at all times in the night, when there is no person in attendance at the gate, it shall be left open.

Dividends.

SEC. 6. Each stockholder shall be entitled to such proportion of the dividends made by said company, as the amount of his stock bears to the whole amount paid in, which sum shall be paid to him at the office of the company at any time when demanded, after ten days from the making of such dividend.

When made.

SEC. 7. Dividends of all the "nett" proceeds of said company, shall be made quarter-yearly, on the first Saturday of February, May, August and November.

Rule in voting.

SEC. 8. In all elections held by said company, each person shall be entitled to as many votes as he holds shares of stock in said company, provided no one person shall have more than twenty votes.

Bridge, where to be built.

SEC. 9. The directors aforesaid are hereby authorized, for the purpose of obtaining a more eligible situation on which to build said bridge, to go not more than one quarter of a mile above or below the present crossing place of said road, to erect the same by opening and keeping in repair a good road from the present state road to said bridge, and from thence to intersect said state road at some convenient point: *Provided however*, that nothing in this section shall be so construed as to authorize said directors in any manner, to obstruct the present state road as heretofore established between the points aforesaid.

Navigation.

SEC. 10. The navigation of the Muscatatuck river shall be preserved free from obstruction, and the bridge shall be built of a sufficient height to admit loaded boats to pass under it in the highest stage of water.

Limitation.

SEC. 11. If the said bridge shall not be completed within four years from the passage of this act, then and in that case, this act shall be null and void, otherwise it shall remain in full force for thirty years.

Stock, when to be paid.

SEC. 12. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, and in the penalty of forfeiting their respective shares, and all previous payments thereon.

SEC. 13. If any person shall wilfully impair or injure the said bridge, he, she or they so offending, shall forfeit to the corporation, the sum of ten dollars to be recovered with costs of suit, and shall also be liable to pay to said corporation, treble the amount of damages sustained, with costs of suit, to be recovered in an action of trespass, in any court of competent jurisdiction.

SEC. 14. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization any five of the board shall form a quorum, but after an election for directors, it shall require seven to form a quorum.

SEC. 15. The directors shall cause books to be opened for subscription to the capital stock, at such time and such place or places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: each of the undersigned severally promises to pay the sum of twenty dollars, for each share of stock set opposite each of our names respectively, in such manner and proportions, and at such time as the president and directors of the Millport Bridge Company may direct; witness our hands, this day of 1833.

SEC. 16. *Be it further enacted*, That it shall be the constant drift to be removed. duty of the said bridge company, from time to time, to remove all timber or drift of any description which may lodge against any of the piers of said bridge, and if they fail herein, they shall be liable to a fine of five dollars for every forty-eight hours it is suffered to remain, after allowing a reasonable time to remove the same, to be recoverable by presentment or indictment, in the Washington or Jackson Circuit Court, and shall moreover be liable to any person sustaining any injury.

SEC. 17. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 18. This act to take effect and be in force from and after its publication.

Meeting of the first board of directors.

Books to be opened for subscription of stock.

CHAPTER XIV.

An Act providing means for the Wabash and Erie Canal.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, A loan of 400, G

000 dollars
authorized.

of Indiana, That the commissioners of the canal fund be, and they are hereby authorized and directed to contract with any individual, company, or corporation at such times, and from time to time as they may deem expedient, and for the interest of the state, for a loan not exceeding four hundred thousand dollars in addition to the loan already authorized, for the completion of the Wabash and Erie canal, on a credit of forty years; but redeemable in whole or in part after the period of twenty-five years, at the option of the state; and said loan to be at a rate of interest not exceeding six per cent. per annum, and to be so negotiated that the same may be drawn and bear interest at such time, as near as may be estimated, it shall be required in the progress of the work on the canal, and the said commissioners shall, for such loan, issue transferable certificates of stock in the name of the state, which when signed by them shall be of the same validity as if counter-signed by the Treasurer of State, which shall not be required in any stock for this or former loan to be hereafter issued by said commissioners; and to facilitate the obtaining of loans and the transfer of stock, and all other operations relative to the same, the commissioners of the canal fund shall have power to make such arrangements relative to obtaining loans and the payment of interest thereon, the transfer, transmission, and deposites of moneys as they may deem conducive to the public interest.

Sec. 2. That for the payment of the interest, and the redemption of the principal of the sums of money which may be borrowed under the authority of the General Assembly for the construction and completion of the Wabash and Erie canal, there shall be hereby irrevocably pledged all the moneys in any manner arising from the lands donated by the United States to this state, lying within this state, for the construction of said canal, the canal itself with the portion of said land thereto appertaining and privileges thereby created, and the rents and profits thereof belonging to the state, and the nett proceeds of tolls collected on said canal, or any part thereof as finished, the sufficiency of which for the purposes aforesaid as above provided for, the State of Indiana doth hereby irrevocably guarantee.

Sec. 3. The said loan or any portion of it, when so negotiated and payable, shall be deposited by said commissioners in some safe bank until wanted, at the best interest that can be procured for it.

Sec. 4. The canal commissioners are hereby directed to let out and put under contract all that part of said canal not now under contract, that lies between the mouth of the Tippecanoe and the Maumee rivers, at the junction of the

Canal, &c.
pledged for
the payment;
state guaran-
tees their suf-
ficiency.

Loan to be
deposited.

Contracts on
canal to be
let.

St. Marys and St. Josephs rivers, at such time or times as they may deem expedient, keeping the expenditures within the several appropriations made by this state for that purpose, and the payments on contracts for labor done on said canal hereafter to be made, shall be, if the contractors require it, nine tenths of the labor actually performed, as the same may be estimated by the state engineer; provided the canal commissioners may, if they think the interest of the state requires it, retain one half of the amount due on any contract until the whole of the labor on any such contract shall be completed, at which time all arrearages shall be paid up.

Sec. 5. That it shall be the duty of the canal fund commissioners to ascertain and fully enter on their books the expenditures which have been or may be incurred in relation to the canal, distinguishing between the expenditures of the canal, and those properly belonging to the canal lands.

Sec. 6. That the canal fund commissioners shall each be allowed the sum of two dollars for every day while necessarily employed in the business of the state, together with their necessary expenses.

Sec. 7. The plats of the canal lands and the classification of said lands shall be committed to, and hereafter preserved by the auditor of public accounts, and regular entries shall be made on the land plat, of the sales thereof, as shewn by the quarterly abstracts of such sales now required by law to be furnished by the board of canal commissioners, and it shall be the duty of the auditor of public accounts hereafter to countersign the final certificates issued to the purchasers of canal lands instead of the canal fund commissioners as is now provided by law. And it shall be the further duty of the auditor to report to the canal fund commissioners annually during the first week of the session of the General Assembly, the amount of money received by the canal commissioners arising from the sale of canal lands and the interest on the same. That so much of the law now in force as requires the canal commissioners to report the sales of the canal lands to the board of fund commissioners be and the same is hereby repealed.

Sec. 8. That a joint committee of both Houses of the General Assembly be required annually to examine the books, records, vouchers and documents of the commissioners of the canal fund including those filed by the canal commissioners, and report to their respective Houses previous to the first of January.

Sec. 9. The remaining part of the loan authorized by the act entitled an act supplemental to an "act providing means for the construction of the Wabash and Erie canal," approved January 9, 1832, shall be negotiated in the man-

Duty of fund
commission-
ers.

Their com-
pensation.

Plats, &c. to
be preserved
by the Audit-
or.

Auditor's
duty.

Repeal.

Joint commit-
tee of the Ge-
neral Ass'by.

Remainder of
loan under
act of '32 to
be nego-
tiated.

ner and under the regulations provided in the first section of this act.

Fund commissioner to report to the Auditor, &c.

SEC. 10. That it shall be the duty of the commissioners of the canal fund, whenever they shall obtain or effect a loan for the purposes of constructing the Wabash and Erie canal or any of the works connected therewith agreeably to law, forthwith to report to the auditor of public accounts the amount of such loan, the terms and conditions upon which it was obtained, from whom obtained, and if deposited, the place of deposite, upon what conditions, and to whose order payable, and for all depositories, payments, or disbursements made by the commissioners of the canal fund, other than those paid on the drafts of the canal commissioners, they shall take duplicate receipts, one of which shall be deposited with the auditor of public accounts.

Route of canal established.

SEC. 11. That the line of canal route as surveyed, marked and platted by H. Stanbury United States civil engineer, which commences at the state line dividing Indiana and Ohio on the south side of the Maumee river, and is thence extended down the valley of the south side to within about a mile of Defiance, thence across said river to the north side thereof, thence down the valley of the north side to the termination of the canal below or near the town of Maumee, (the maps, plats, courses and distances of which are on file in the office of the Secretary of State,) be and they are hereby for the time being, adopted and established as the line of said canal, subject however, to such alterations as the commissioners, engineer, or other persons employed to superintend the same may find necessary, for its cheap, safe, and permanent construction, to make.

Survey to be made from Logansport to the mouth of Tippecanoe.

SEC. 12. That from the town of Logansport to the mouth of the Tippecanoe river, the canal commissioners shall cause to be made such surveys and examination of both sides of the Wabash river, as will enable them to make a correct estimate of the cost of constructing the canal on each side of said river, of which surveys and estimate it shall be their duty to make a report to the Legislature before that portion of the canal is put under contract.

Survey of a route down White Water.

SEC. 13. The canal commissioners are authorized and directed, and it is hereby made their duty, early in the ensuing summer, to employ a competent engineer or engineers to survey and locate a route for a canal from or near the mouth of Nettle creek in Wayne county, thence down the valley of White Water, leaving the same at the most convenient point, so as to terminate at Lawrenceburgh in Dearborn county, on the Ohio river. The plat of which survey, when completed, shall be filed in the office of the Secretary of State by the engineer.

Estimates, &c.

SEC. 14. It shall be the duty of such engineer, to make

estimates of the expense of said canal, together with its probable advantages, and lay the same before the General Assembly at their next session, and such other matters as may deem advisable.

Duty of commissioners in relation to canal lands.

SEC. 15. The board of commissioners are hereby appointed, authorized, and empowered to adjust finally, and with the approbation of the commissioner of the General Land Office, Secretary of the Treasury, or President of the United States, to select, set apart, and designate all the lands accruing to this state under the provisions of the act of Congress of the 2d of March, 1827, granting a quantity of land to aid in the construction of a canal, to connect at navigable points, the waters of the Wabash with those of the Maumee of Lake Erie, whether the lands so accruing shall be situate either in this state or the state of Ohio, and to make surveys, maps, plats, and to do and perform all things necessary to designate, and set apart, for the use of the state of Indiana, the lands aforesaid.

SEC. 16. That so soon as the lands aforesaid shall be set apart and designated, the canal commissioners shall transmit copies of the maps and tract books embracing the same to the Auditor of Public Accounts, and for that portion of lands situated within the jurisdiction of the state of Ohio, similar copies to the executive of that state.

SEC. 17. In case of the death of any canal contractor who shall at the time of his decease be indebted to any laborers for work done on any section of the canal, it shall be lawful for the commissioner of contracts to pay such laborer or laborers out of any moneys that may be due the deceased contractor for constructing the canal, and the receipt of such laborers shall be a good voucher in offset to the sum due to the deceased contractor from the canal commissioners, on the final settlement of accounts between them and his executors and administrators.

SEC. 18. That the canal commissioners be, and they are hereby authorized to procure, by purchase or otherwise, a suitable number of acres of land, at each and every point on or adjoining the Wabash and Erie canal, where the surplus water passing through said canal, may be profitably used for hydraulic purposes: *Provided*, that the said commissioners shall not expend, by virtue of the powers hereby vested in them, a sum exceeding five thousand dollars.

SEC. 19. Every person who shall lead, drive or ride any horse, ox, mule, or other animals, upon the towing path, or berm bank of the Wabash and Erie canal, except for the purposes of towing boats, or other floating materials, upon the water thereof; and except for the purposes of conveying articles to and from said canal, for transportation on the waters of the same, or their delivery at their place of des-

Provision for the benefit of laborers.

Commissioners to purchase land on the canal, for what purpose.

Penalty for improper use of the towing path, &c.

tion; shall forfeit for every such offence, the sum of three dollars.

Penalty for
injury to
locks, &c.

SEC. 20. If any person or persons shall wilfully and maliciously break, throw down, or destroy any lock, bank, waste weir, aqueduct or culvert belonging to said canal, such person or persons shall for every such offence, be deemed guilty of a misdemeanour, and on conviction thereof, before the circuit court of the proper county, be sentenced to imprisonment in the penitentiary at hard labor, for any time not less than one, nor more than five years, at the discretion of the jury trying the same, and moreover shall be liable to pay all the damages sustained in consequence of such offence.

Suit for da-
mages, by
whom bro't.

SEC. 21. That for damages done to the said canal or to any work connected therewith, any of the canal commissioners, the principal engineer, or the assistant engineer having charge of the line where the offence may be committed, shall be authorized to sue the offender or offenders, in the name of the state of Indiana, in any court of competent jurisdiction; and if a verdict or judgment shall be given against any person or persons for such damages, the plaintiff shall recover the same with full costs of suit; and in all cases in which suits are brought, it shall be the duty of the canal commissioners to keep accurate accounts of the recoveries of costs and expenses, and after deducting the said costs and expenses from the amount so recovered, to pay the residue to the commissioners of the canal fund.

Annual report
of com'rs.

SEC. 22. The canal commissioners shall in their annual report, give the name of each contractor, contracting since their last annual report, the prices allowed to each for excavation, masonry, and every other description of work so contracted for.

Parts of this
act to be in-
operative in a
certain event.

SEC. 23. Should the state of Ohio, at its present session, pass an act by which that state agrees to accept of the canal lands belonging to this state lying in the state of Ohio, on the terms and conditions as proposed by this state, then and in that case the provisions of the 11th, 15th, and 16th sections of this act shall be inoperative and of no effect.

Duty of com-
missioners in
relation to
forfeited
lands.

SEC. 24. In all cases where any tract or tracts of canal lands shall be forfeited for non-payment of interest or principal, it shall be the duty of the canal commissioners to class, rate, and sell such tract or tracts according to the provisions of the laws now in force, in the same manner as if such lands had never been exposed to sale.

Repeal.

All laws or parts of laws coming within the purview of this act, and contrary to its provisions, are hereby repealed.

This act to take effect and be in force from and after its publication in the Indiana Journal and Democrat.

CHAPTER XV.

An Act to authorize the trustees of Charlestown in the county of Clark to lay off a certain street therein named.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees of the corporation of the town lay off street. of Charlestown in the county Clark be, and they are hereby authorized and directed, at their first regular meeting after the taking effect of this act, to lay off a street on the margin of the north west side of the public square of said town, commencing at the south west side of Main Cross Street, running thence to the north east side of Market Street, forty feet in width, including the alley on the said north west side of said public square; and the said street when so laid off, to cause to be designated by an entry thereof, as to its location as above, by an entry on the records of their corporate proceedings.

SEC. 2. That from and after the time said street shall be Street to be laid off and designated as provided for in the first section of kept open, &c. this act, by said trustees or a majority of them, the same shall be taken to be, and forever after remain for every purpose, as a part of the original plat or plan of said town, and shall be kept open and repaired as other streets in said town are kept open and repaired.

SEC. 3. That should said trustees be prevented by any circumstance whatever, from performing the duties required of them by the first section of this act, at their first regular meeting after the taking effect of this act, they, or a majority of them, are hereby authorized and directed to perform the same at their next regular meeting thereafter.

SEC. 4. This act to be in force from and after its publication.

CHAPTER XVI.

An Act in amendment to an act entitled "An act concerning clerks," approved January 20th, 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the several clerks of the circuit court to procure a book, in which shall be registered the names of the justices of the peace, sheriffs, coroners, and constables of the county in which they may be clerk, when commissioned, when qualified, and in case of justices of the Clerks to re-
gister the
names of jus-
tices, &c.

peace, the time when their term of office expires; and when a vacancy for any cause occurs, as near as may be when it takes place; likewise, a memorandum of the official bond which shall be given by such officers, containing the names of the parties thereto and the penalty.

Compensation.

SEC. 2. The several clerks shall receive as a compensation for such services, fifty cents, to be paid by the above officers at the time they are qualified.

SEC. 3. The clerks of the circuit court shall be authorized to administer all such official oaths as may be necessary for parties, their agents, or attorneys to take, in the conducting of civil suits.

CHAPTER XVII.

An Act to amend an act entitled "An act to establish a College in the state of Indiana," approved January 24, 1828.

[APPROVED FEBRUARY 1, 1834.]

Each county
may send one
student to the
college gratis.

Duty of coun-
ty board.

Term.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That each county in the state shall be entitled to a student in the Indiana College, whose tuition shall be gratis, and whose right shall be determined by the boards doing county business in the state: *Provided, however,* a preference shall be given in the selection of students as aforesaid, to those who are the least able to pay for tuition in said college.

SEC. 2. That the boards doing county business shall at their next September session, determine from among the applicants, the right of their student or students, as the case may be, to said college; and when they have determined the same they shall give the student or students a certificate to said institution, signed by the president of the board and attested by the clerk, which certificate shall be the evidence to said institution of the student or students' right to enter said college.

SEC. 3. That the students who enter said college under the provisions of this act, shall be entitled to the same two years and no longer, and then the said county shall select, as in the manner before mentioned, a student to fill the vacancy occasioned by the time of their first student having expired.

SEC. 4. That the students who enter said college under the provisions of this act, shall be entitled to all the privileges, rights, and immunities as students are who pay their tuition fees.

This act to take effect and be in force from and after its passage.

CHAPTER XVIII.

An Act for incorporating the Wabash Manual Labor College and Teacher's Seminary.

[APPROVED JANUARY 15, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State Corporation of Indiana,* That John Gilleland, James Thompson, Jacob Angle, David Clark, William R. Winton, Robert C. Gregory, E. O. Hovey, T. A. Howard, James A. Carnahan, Andrew Ingram, M. M. Post, Williamson Dunn, L. G. Bell, Samuel Merrill, J. S. Thompson, and S. G. Lowery and their successors in office be, and they are hereby constituted and declared to be, a body corporate and politic by the name and style of the "Wabash Manual Labor College and Teacher's Seminary," and by that name they shall have perpetual succession. This body corporate, or board of trustees shall have power to appoint a faculty in said college consisting of a president, professors, and tutors, as the necessities of the institution may demand; and the faculty so appointed, by and with the approbation of the board of trustees, shall have power to grant and confer such degrees in the liberal arts and sciences as are usually granted and conferred in other colleges in the United States: *Provided* *however,* that no degrees shall be conferred, or diplomas granted, except to students who have acquired the same proficiency in the liberal arts and sciences as is customary in other colleges in the United States. The board of trustees shall also have power to contract, and be contracted with, to acquire, hold, enjoy, and transfer property, real or personal, in their corporate capacity, to make, have and use a common seal, and the same to alter at pleasure; to sue and be sued, plead and be impleaded, in any court of law or equity; to receive and accept of any grant, gift, donation, bequest or conveyance, by any person, company, or corporation of any property, real or personal; and to hold and enjoy and dispose of the same as may be deemed best for the interests of said college; to make, ordain, establish, and execute such by-laws, rules, and ordinances, not inconsistent with the constitution and laws of the United States, or of this state, as they shall deem necessary for the welfare of said institution; and to do all other acts in pursuance thereof necessary for the prosperity of said college:

ship, and to make the fund thereof productive: *Provided*, nothing herein contained shall be so construed as to authorize said trustees to sell the same or any part thereof for a less sum per acre than the amount provided for in the act to which this is a supplement.

CHAPTER XX.

An Act to legalize the proceedings of the School Trustees of Congressional Township No. 12 north, of range one east, in Morgan county.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That all and singular the proceedings, sales, and other acts heretofore made or performed by the school trustees of congressional township number twelve north, of range one east, in Morgan county, be, and the same are hereby legalized and declared valid, notwithstanding the loss or destruction of any of the orders of sale, or other papers or proceedings, on account of the death of the clerk of said township.

This act to be in force from and after its passage.

CHAPTER XXI.

An Act to legalize the election and proceedings of the Trustees of the Twelfth Congressional Township of Range One West.

[APPROVED DECEMBER 24, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the election and proceedings of William Stevens, David T. Wyatt, and William H. Bennett, trustees of the twelfth congressional township of range one west, situate in Union county, be, and the same are hereby legalized to all intents and purposes, as fully as if the said election had been held and return thereof made in strict accordance and conformity to the statute in such case made and provided.

CHAPTER XXII.

An Act giving validity to certain contracts.

[APPROVED JANUARY 13, 1834.]

Be it enacted by the General Assembly of the State of Indiana,

ana, That no contract made in consideration, either in whole or in part, of the sale of any interest, real or supposed, in or to any land belonging to the United States, or for the occupancy thereof, or any improvement made thereon, shall for that cause be avoided or impeached, at the instance of either party, his heirs, executors, administrators, or privies: *Provided*, that the nature and extent of such interest were at the time of such contract known to such party, and his consent thereto obtained, without fraud, covin, or misrepresentation.

CHAPTER XXIII.

An Act to amend an act entitled "An act to regulate the mode of doing county business in the several counties in this state," approved Jan. 19th, 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in each of the counties of Harrison, Orange, Monroe, Parke, Hendricks, Johnson, Putnam, Owen, of commissioners in their respective counties, and shall be known by the name and style of the "Board of Commissioners of _____ County;" and as such shall be entitled to all the rights, incidents, powers, and privileges, and subject to all and singular the duties, incidents, and requirements to which, by the act to which this act is amendatory, the existing board of commissioners in the aforesaid counties is entitled and subject to, except as hereinafter provided.

SEC. 2. The justices of the peace aforesaid, shall at their first meeting, and annually thereafter, elect one of their number president of said board, whose duty it shall be to propound questions for their action, preside over their deliberations, keep order, pronounce their decisions, and sign their proceedings: *Provided*, that in the absence of the president so elected, the board shall elect a president *pro tempore*, who shall exercise all the powers and perform all the duties herein required of the president.

SEC. 3. All suits, pleas, plaints, prosecutions, and proceedings which may be pending, in any court to be tried, in which the present board of commissioners of either of the counties named in the first section of this act is a party, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner as though this act had not passed; and all contracts and liabilities in favor of

Suits, &c. now pending, &c.

COUNTY BUSINESS.

or against the existing board of commissioners, shall remain valid in law and equity.

Quorum.

SEC. 4. It shall require seven members of the said board, at their May and November sessions, and five members at other sessions, to form a quorum to do business; and such members as do attend shall have power by this act to issue writs of attachment and compel the attendance of absent members, and to adjourn from day to day for that purpose.

Penalty for non-attendance.

SEC. 5. It shall be the duty of all the justices of the peace in each and every county in this act named, to be punctual in their attendance at the May and November session, and for every failure thereof, without a reasonable excuse, such justice shall be fined, upon presentment or indictment, in any sum not exceeding ten dollars, for the use of the county seminary in their respective counties.

Justices, as a compensation are exempted from certain duties.

SEC. 6. That the said justices of the peace, in the counties aforesaid, shall, after the taking effect of this act, be exempt from militia duty, serving on juries, working on roads and public highways, and shall receive no other compensation for any of the duties enjoined on them by this act.

SEC. 7. The first, second, third, eighth, eleventh, and thirteenth sections of the act to which this is an amendment, are, as to the counties named in the first section of this act, repealed.

SEC. 8. This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER XXIV.

An Act to amend an act entitled "An act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831.

[APPROVED JANUARY 30, 1834.]

Power to administer oaths

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the boards doing county business in the several counties of this state shall have full power and authority, when sitting in their official capacity, to administer oaths or to call upon their clerk to do the same, and swear all persons who may have business to transact when it may, in their discretion, be deemed necessary and proper.

Contempts.

SEC. 2. That the boards doing county business shall have full power and authority to issue attachments and punish contempts by fines in any sum not exceeding three dollars; which said fine shall be collected by the sheriff of the county, upon execution to be issued by the clerk of said

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court, and when so collected, shall be paid over to the trustee of the county seminary fund for the use of said seminary.

This act to be in force from and after its passage.

CHAPTER XXV.

An Act to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this state," approved January 19, 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the boards doing county business in the counties of Lawrence and Orange, be authorized and required to appoint all the township officers in said counties, which are required to be elected by the twentieth section of the act to which this is an amendment, and that so much of the said act as comes within the purview of this act, so far as the said counties of Lawrence and Orange are concerned, be, and the same is hereby repealed.

SEC. 2. Hereafter in the county of Greene the township elections required by the twentieth section of an act entitled "an act to regulate the mode of doing county business in the several counties in this state," approved Jan. 19, 1831, shall be held on the second Monday of April annually.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XXVI.

An Act to legalize the proceedings of the county commissioners in Bartholomew county, at their January term, 1832.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the assessment made by the county commissioners in Bartholomew county, of twenty-five cents poll tax, on each individual liable to pay a poll tax in said county, at their January term eighteen hundred and thirty-two, be and the same is hereby legalized.

This act to be in force from and after its passage.

CHAPTER XXVII.

An Act to authorize the Board of Commissioners of Marion county to hold a special session.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Marion county be, and they are hereby required and authorized to hold a special session for the purpose of ordering an election in the town of Indianapolis, to fill any vacancy that may exist in the office of justice of the peace in said town.*

And it is hereby made the duty of the sheriff of said county of Marion, to notify the said commissioners of the time and place for them to meet.

This act to be in force from and after its passage.

CHAPTER XXVIII.

An Act to organize the county of Miami.

[APPROVED JANUARY 2, 1834.]

Time.

Commissioners to fix the county seat.

Duty of the sheriff of Cass county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That from and after the first day of March next, the county of Miami shall enjoy the rights and jurisdiction which to separate and independent counties do or may properly belong.*

SEC. 2. *That Daniel Harrow of the county of Putnam, Smallwood Noel of the county of Allen, Joseph Tatman of the county of Tippecanoe, and Henry Chase and John Barr of the county of Carroll, be, and they are hereby appointed commissioners, for the purpose of fixing the permanent seat of justice of the said county of Miami, agreeably to the provisions of an act to establish the seats of justice in new counties, approved January 14, 1824. The commissioners above named or a majority of them, shall convene at the house of Benjamin H. Scott, in said county, on the first Monday in June next, or so soon thereafter as a majority shall agree.*

SEC. 3. *It shall be the duty of the sheriff of Cass county, to notify the commissioners above named, either in person or by writing, of their appointment, and of the time, and place appointed for them to convene, and the board doing county business shall allow him a reasonable compensation for services, out of any monies in the treasury of the said county of Miami.*

SEC. 4. *The circuit and other courts of said county, shall*

be held at the house of Benjamin H. Scott, or at any other place in said county, to which the said courts may adjourn —where held, until suitable accomodations can be had at the seat of justice thereof, after which, the courts shall be held at the county seat.

SEC. 5. *The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Miami, shall reserve ten per centum out of the proceeds thereof, and also ten per centum out of all donations to said county, and shall pay the same over to such person or persons, as may be lawfully appointed to receive the same, for the use of a county library for said county.*

SEC. 6. *The board doing county business when elected and qualified, may hold special sessions not exceeding three, during the first year after the organization of said county, and shall appoint a lister and make out all other necessary appointments, and do and perform all other business which might have been necessary to be performed at any other regular session, and take all necessary steps to collect the state and county revenue.*

SEC. 7. *The territory included in the following boundaries, to wit: beginning at the south west corner of the county of Miami, running thence west two miles, thence north with the section lines thirty miles, to the north east corner of section three, in township twenty nine, and in range three, thence east two miles on the line dividing townships twenty-nine and thirty, to the north west corner of the county of Miami, (being a portion of the territory now belonging to the county of Cass,) shall be, and is hereby attached to the county of Miami, and shall hereafter constitute and form a part and portion of the territory of the said county of Miami.*

SEC. 8. *The county of Miami shall be attached to the eight judicial circuit of this state for judicial purposes, and to the county of Cass for representative purposes.*

CHAPTER XXIX.

An Act authorizing the location of the seat of justice of Huntington county, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the county of Huntington shall hereafter enjoy all the rights and privileges, benefits and jurisdictions, which to separate or independent counties do or may properly belong or appertain.*

Commissioners to fix seat of justice. **SEC. 2.** Philip Moore, of the county of Delaware, Joseph Holman of the county of Miami, David Rankin of the county of Allen, Daniel R. Bearss of the county of Elkhart, and Benjamin Berry of the county of Grant, be, and they are hereby appointed commissioners agreeably to the act entitled "an act fixing the seat of justice in all new counties hereafter to be laid off." The commissioners aforesaid shall meet on the second Monday in May next, at the house of Elias Murray in said county of Huntington, and shall immediately proceed to discharge the duties assigned them by law: and it shall be the duty of the sheriff of Grant county to notify said commissioners either in person or by writing of their appointment, on or before the fifteenth of April next, and for such service he shall receive such compensation as the board doing county business in said county of Huntington may, when organized, deem just and reasonable, to be allowed and paid as other county claims.

Courts to be held near the centre of the county.

SEC. 3. The circuit court and the board of county commissioners, when elected under the writ of election from the executive department, shall hold their sessions as near the centre of the county as a convenient place can be had, until the public buildings shall have been erected; and the said county commissioners shall each be entitled to the sum of two dollars per day for their services whilst transacting county business.

County library provided for out of the sales of lots.

Assessor and collector to be appointed.

SEC. 4. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Huntington, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of the county library.

SEC. 5. The board of commissioners at their first meeting after they are elected, shall appoint some suitable person to assess and collect the county and state revenue of said county of Huntington, (and the county of Wabash, which is hereby attached to the county of Huntington for judicial and all other civil purposes;) in the assessing and collecting of which, the said assessor and collector shall be governed by the provisions of "an act for the assessing and collecting of the revenue," except that he shall not be required to complete the assessing before the first of May as by that act provided.

Grant county not to assess or collect. **SEC. 6.** The county of Grant shall not hereafter assess and collect any revenue from off the citizens of Huntington or Wabash counties.

This act to be in force from and after its publication in the Indiana Journal.

An Act for the formation of White County.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the first day of April next, all that tract of country included in the following boundary lines, shall form and constitute a new county, to be known and designated by the name of the county of White (in honor of Major Isaac White, who fell in the battle of Tippecanoe,) to wit: beginning at the north west corner of Tippecanoe county, thence running east with the north line of Tippecanoe county to the south western corner of Carroll county, thence north with the west line of Carroll county, to the north west corner of the same, thence east with the north line of Carroll county to the west line of Cass county, thence north with the west line of Cass county to the north west corner of the same, thence west to the centre section line of range six west, thence south to the north west corner of Tippecanoe county to the place of beginning.

SEC. 2. That the new county of White shall from and after the first day of April next, enjoy and possess all the rights, privileges, benefits and jurisdictions which to separate or independent counties do or may properly belong or appertain.

SEC. 3. That James H. Stewart of Carroll county, Benedict Morris of Fountain county, John Killgore of Tippecanoe county, Enos Lowe of Parke county, and John B King, be, and they are hereby appointed commissioners, agreeably to the act entitled "an act fixing the seats of justice in all new counties hereafter to be laid off." The commissioners aforesaid shall meet on the first Monday in September next, at the house of George A. Spence in the said county of White, and shall proceed immediately to perform the duties required of them by law; and it shall be the duty of the sheriff of Tippecanoe county to notify said commissioners, either in person or by writing, of their appointment on or before the first day of August next; and for such service he shall receive such compensation as the board doing county business in said county of White may, when organized, deem just and reasonable, to be allowed and paid as other county claims.

SEC. 4. The circuit court and the board of county commissioners, when elected under the writ of election from the executive department, shall hold their sessions as near the centre of the county as a convenient place can be had, until the public buildings shall be erected.

Rights, privileges, &c.

Commissioners to fix seat of justice.

Courts to be held near the centre of the county.

County library provided for out of the sales of lots.

Attached to first judicial circuit.

Territory attached to it for judicial purposes.

Courts when held.

Commissioners may hold special session.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of White, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of a county library.

SEC. 6. The county of White shall be attached to the first judicial circuit of this state for judicial, and to the county of Carroll for representative purposes.

SEC. 7. That all the territory lying west of the county of White to the state line, be, and the same is hereby attached to the county of White for civil and judicial purposes.

SEC. 8. That the circuit courts shall be held in the county of White on the Thursdays succeeding the week of the Tippecanoe circuit court, and sit three days each term should the business require it.

SEC. 9. The board doing county business may, so soon as elected and qualified, hold special sessions not exceeding three, during the first year after the organization of said county, and shall make all necessary appointments, and do and perform all other business which may or might have been necessary to be performed at any other regular session, and take all necessary steps to collect the state and county revenue, any law or usage to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER XXXI.

Act changing the time of holding the Circuit Courts in certain Counties therein named, and the Probate Court of Posey County.

Madison.

[APPROVED JANUARY 23, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court for the county of Madison shall hereafter commence its sessions on the Mondays preceding the last Mondays in February and August in each year, and shall sit six days at each term if the business require it, and no longer.

SEC. 2. The circuit court of the county of Dubois shall hereafter commence on the Thursdays next preceding the fourth Mondays of February and August, and shall sit three days at each term if the business require it.

SEC. 3. The probate court of the county of Posey shall hereafter hold its terms on the fourth Mondays of February and August, and the second Mondays of May and Novem-

Dubois.

Posey.

ber, and shall sit six days at each term if the business require it.

SEC. 4. The circuit courts in the county of Henry shall commence on the second Mondays succeeding the commencement of the circuit courts of Rush county; in the county of Delaware, on the second Mondays succeeding the courts in Henry county; and in the county of Grant, on the Mondays succeeding the commencement of the circuit courts in the county of Delaware. In the counties of Delaware and Grant the courts shall sit six days at each term if the business require it; and in the county of Henry twelve days if the business require it.

SEC. 5. The courts in the second judicial circuit shall be held on the days following: in the county of Scott, on the last Mondays of February and August; in the county of Jackson, on the first Mondays in March and September; in the county of Lawrence, on the second Mondays in March and September; in the county of Orange, on the third Mondays in March and September; in the county of Washington, on the fourth Mondays in March and September; in the county of Harrison, on the second Mondays in April and October; in the county of Floyd, on the fourth Mondays of April and October; in the county of Clark, on the second Mondays in May and November: and shall sit within the above dates as long as business may require. All writs, subpoenas, or other process, which may have issued from any of the courts above named, since the last sitting thereof, or which may hereafter issue previous to this act being received in the respective counties, shall be deemed and taken and are hereby made returnable to the first day of the first term of the several circuit courts, and said probate court to be held by virtue of this act: and all suits, pleas, plaintiffs, prosecutions, recognizances, actions, motions, or other proceedings, either civil or criminal which are now pending, or may hereafter be pending before this law is in force, shall be taken up and acted on at the first term of such court to be held under this act, and be disposed of according to law, in the same manner as if no alteration had been made in the time of holding such court.

SEC. 6. All acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

This act shall take effect and be in force from and after publication in the Indiana Journal or Indiana Democrat.

Henry.

Delaware.

Grant.

Probate.

Repeal.

CHAPTER XXXII.

An Act changing the time of holding Courts in the Eighth Judicial Circuit.

[APPROVED JANUARY 28, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit courts in the eighth judicial circuit shall be held on the days and times to-wit: In the county of Cass, to commence on Monday the seventeenth day of February, and on Monday the eighteenth day of August; in the county of Miami, on Monday the twenty-fourth day of February, and on Monday the twenty-fifth day of August; in the county of Huntington, on Monday the third of March, and Monday the first of September; in the county of Allen, on Monday the tenth of March, and Monday the eighth of September; in the county of Lagrange, on Monday the twenty-fourth of March, and on Monday twenty-second of September; in the county of Elkhart, on Monday the thirty-first of March, and on Monday the twenty-ninth of September; in the county of St. Joseph, on Monday the seventh of April, and on Monday the sixth of October; in the county of Laporte, on Monday the fourteenth of April, and on Monday the thirteenth of October; and the said courts shall sit within the above dates as long as business shall require.

SEC. 2. That so much of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage, and publication in the Indiana Journal and Democrat.

CHAPTER XXXIII.

An Act to change the time of holding the Courts in the First Circuit.

[APPROVED FEBRUARY 3, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit courts in the first judicial circuit shall be held on the days and times following, to-wit: In the county of Parke, on the fourth Mondays in February and August; in the county of Vermillion, on the second Mondays in March and September; in the county of Fountain, on the third Mondays in March and September; in the county of Montgomery on the fourth Mondays in March and September; in the county of Clinton, on the Mondays

next succeeding the courts in Montgomery; in the county of Tippecanoe, on the Mondays next after the courts in Clinton; in the county of Carroll, on the Mondays next succeeding the courts in Tippecanoe; in the county of White, on the Fridays succeeding the courts in Carroll; and in the county of Warren, on the Mondays next succeeding the courts in White: and shall sit twelve days in the county of Parke, and six days in each of the other of said counties, if the business require it, except in the counties of Carroll and White, in the first of which they shall sit four and in the last two days, if the business require it.

SEC. 2. This act shall be in force from and after its passage, but it shall not affect the time of holding the first term of the courts in each of said counties after the passage thereof, and it shall be published in the Indiana Journal and Democrat.

CHAPTER XXXIV.

An Act to authorize the Shelby Circuit Court to hold a special session.

[APPROVED JANUARY 6, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judges of the Shelby circuit court be, and they are hereby authorized to hold a special term of the said court, any time in the month of January, 1834, as shall be appointed by the sheriff of the county of Shelby, for the trial of John Ryne, alias John Ryan, now confined in the jail of said county, on a charge of grand larceny, and also for the trial of such others as may be committed to the said jail on similar charges, at any time prior to the holding of such special session.

SEC. 2. It shall be the duty of the sheriff of Shelby county, when he shall appoint and fix upon said day for holding the special term of said Shelby circuit court, forthwith to give notice to the accused, and to the clerk and judges of said court; and such special session shall be governed in all respects by the laws relative to the practice in the circuit court; and shall adjourn from day to day until the trial is ended; and the clerk shall issue venires for a grand and petit jury, commanding the sheriff to summon such of the grand and petit jurors belonging to the regular panel of the last Shelby circuit court as may be convenient, and may supply any deficiencies in either of said panels by summoning talesmen; and the clerks, judges, sheriffs, and other officers concerned, shall be governed in all other respects by the provisions of "an act providing for called sessions of the circuit court," approved February 12th, 1825.

COURTS, CIRCUIT.

SEC. 3. The session of said court shall be held at such place in said county as the judges thereof may direct.

This act to take effect and be in force from and after its passage.

CHAPTER XXXV.

An Act to authorize the Sheriff of Spencer county to summon a Grand and Petit Jury for the April term of the Spencer Circuit Court.

[APPROVED JANUARY 13, 1834.]

Sheriff's duty.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the sheriff of Spencer county to summon, of any good and reputable freeholders or householders resident in said county, eighteen grand and twenty-four petit jurors, to serve as such for and during the next April term of the Spencer circuit court.

Mode of summoning jury.

SEC. 2. It shall not be necessary for said sheriff to procure the issuing of a venire for the purpose of authorizing him to carry into effect the provisions of this act; but having summoned the number required of qualified jurors, shall enrol their names and return said roll to the circuit court aforesaid on the first day of the term thereof: and any person having been summoned, enrolled and returned by said sheriff, who shall neglect or refuse to serve as required of him, shall be liable to all the penalties prescribed by law for similar offences: *Provided, however,* that the regular panel of petit jurors of last October term of said court, shall not be required to serve under the provisions of this act: *Provided, too,* that the said court shall use the same power in compelling by-standers to serve as jurors as is now allowed said court in other cases.

SEC. 3. This act to take effect and be in force from and after its passage and publication in the Indiana Democrat, any law or usage to the contrary notwithstanding.

CHAPTER XXXVI.

An Act to amend an act entitled "An act organizing Circuit Courts and defining their powers and duties," and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

Compensation to associate judges.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the associate judges of the circuit courts of this state shall receive for their services two dollars per day for each day they may be engaged in the dis-

COURTS, CIRCUIT.

charge of the duties imposed upon them by law, to be paid by the respective counties in which they reside, upon the order of the board doing county business.

SEC. 2. That the board doing county business in the county of Vanderburgh may make such allowance to each or either of the associate judges of said county, for services heretofore rendered in discharge of the duties of the said office, not exceeding said per diem allowance, as to them may seem right, to be paid out of the funds of said county upon the order of the said board.

CHAPTER XXXVII.

An Act attaching the county of Carroll to the first Judicial Circuit, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county of Carroll be, and the same is hereby attached to the first judicial circuit, and that circuit courts in the said county of Carroll shall be held on the Mondays succeeding the courts in Tippecanoe county.

SEC. 2. That the circuit courts of Warren county shall be held on the Mondays succeeding the courts in Carroll county.

SEC. 3. That all writs and venires which may have been issued from either of the circuit courts of said counties since the last sitting thereof, or which may hereafter issue previous to this act being received in such county, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the said circuit courts as changed by this act, and that subpoenas issued as aforesaid be made returnable to such day in said term as they were returnable to previous to the present act.

SEC. 4. All writs, subpoenas, or other process which may have issued from any circuit court in the eighth judicial circuit since the last sitting thereof, or which may hereafter issue previous to the act entitled "an act changing the times of holding the courts in the eighth judicial circuit," approved January 28, 1834, being received in the respective counties in said circuit, shall be deemed and taken, and hereby are made returnable to the first day of the first term of the several circuit courts to be held by virtue of the aforesaid act; and all suits, pleas, plaintiffs, prosecutions, recognizances, actions, motions, or other proceedings either civil or criminal, which are now pending or which may hereafter be pending prior to the time said act shall be re-

Process, when returnable.

ceived in the several counties in said circuit, shall be taken up and acted upon at the first term of such court to be held under said act, and be disposed of according to law, in the same manner as if no alteration had been made in the time of holding such court.

CHAPTER XXXVIII.

An Act to amend the act entitled "An act to organize Probate Courts, and defining the powers and duties of Executors, Administrators, and Guardians, approved February 10th, 1831."

[APPROVED FEBRUARY 1, 1834.]

Jurisdiction
of circuit
courts.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several circuit courts are hereby invested with concurrent jurisdiction in all suits at law or in equity, upon all demands or causes of action in favor of or against heirs, executors, administrators, guardians and their securities and representatives, where the amount in controversy shall exceed the sum of fifty dollars.

SEC. 2. That in all cases where it shall be necessary for any executor, administrator, or guardian to sell and convey any real estate, in order to reduce the same to assets, for the purpose of paying the debts against any decedent's estate, or to provide for the wants or interests of any minor, idiot, or lunatic, the chancery side of the circuit courts shall have concurrent jurisdiction with the probate courts.

CHAPTER XXXIX.

An Act to amend "An act to organize Probate Courts, and defining the powers and duties of Executors, Administrators, and Guardians," approved February 10th, 1831.

[APPROVED FEBRUARY 1, 1834.]

De bonis non.

Be it enacted by the General Assembly of the State of Indiana, That whenever an executor or administrator shall die or be removed, and any person or persons shall take out administration *de bonis non* of said deceased or removed executor or administrator, it may be lawful to sue said executor or administrator *de bonis non* at any time after the expiration of a year from the time the first deceased or removed executor or administrator qualified: *Provided*, that no suit shall be commenced against any administrator *de bonis non* within three months from the time he or they may qualify as such.

CHAPTER XL.

An Act to amend an act entitled "An act amendatory to an act entitled an act to organize Probate Courts, and defining the powers and duties of Executors, Administrators, and Guardians," approved February 3, 1832.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the probate court for the county of Washington shall hereafter hold six sessions in each year, to commence on the second Mondays of February, April, June, August, October, and December, and shall at each term sit six days if the business thereof require it.

This act to be in force from and after its passage.

CHAPPER XLJ.

An Act to provide for the taking of depositions in certain cases therein named.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That whenever hereafter the testimony of any president judge or attorney at law may be required by either party to any cause pending in any circuit court, out of the circuit in which such president judge or attorney at law resides, or whenever the testimony of any associate judge, clerk of the court, or sheriff may be required by either party to any cause pending in the circuit court in any county in this state, other than the county in which such associate judge, clerk of the court, or sheriff resides, and the court where such cause is pending, shall sit at the same time that the court in the county in which such officers reside shall sit, it shall be lawful for the party wishing the testimony of such president judge, attorney at law, associate judge, clerk, or sheriff, after giving the opposite party due notice, to take the deposition of such person or persons before some person legally authorized to take depositions, under the rules and regulations prescribed by law for the taking of depositions in other cases; and the said depositions when so taken shall be read as evidence in the said cause, in the same manner as the depositions of persons living beyond the jurisdiction of the court.

Depositions of
president
judge, &c.
when to be
taken.

CHAPTER XLII.

An Act to divorce Peter Graffort from his wife Cassander Graffort.

[APPROVED FEBRUARY 1, 1834.]

Bonds dissolved.

Rights not affected.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the bonds of matrimony subsisting between Peter Graffort of the county of Rush, and Cassander Graffort be, and the same are hereby dissolved and declared null and void to all intents and purposes as if the same never had been entered into by and between said parties.

SEC. 2. That nothing in this act shall be so construed as to affect any right or claim which the said Cassander had in law or equity to any property, real or personal, prior to her intermarriage with the said Peter, nor any right or claim which may have accrued to her in her own right, since such intermarriage, so as to vest such property in the said Peter or his heirs; but said parties shall stand in all respects as to the property of each, as if said marriage had never existed; nor shall any thing herein contained be construed to divest said Cassander of her claim, right, and title which she may have in law or equity to any property, real or personal, which has been purchased by any moneys or property belonging to said Cassander prior to said marriage, or which has come to her since said marriage by gift, devise, or otherwise, and which has been by said Peter or any other person invested in real estate.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XLIII.

An Act for the relief of Polly Vannoy.

[APPROVED FEBRUARY 1, 1834.]

Bonds dissolved.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the marriage tie heretofore existing between Polly Vannoy of Hendricks county and her husband Joseph Vannoy be, and the same is hereby dissolved.

SEC. 2. That any property heretofore belonging to the said Polly, previous to her marriage to the said Vannoy, shall not be liable for any debts heretofore contracted by him.

SEC. 3. This act to take effect and be in force from and after its passage and publication in the Indiana Democrat.

CHAPTER XLIV.

An Act for the relief of Powell Deans.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the bonds of matrimony now and heretofore subsisting between Powell Deans of the county of Shelby, and Patsey Deans his wife, formerly Patsey Thomas, be, and the same are hereby dissolved, and the said parties are hereby divorced from each other, as fully to all intents as though said marriage tie had never existed.

This act to be in force from and after its passage.

CHAPTER XLV.

An Act for the relief of Richard L. Dickson.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the marriage tie heretofore existing between Richard L. Dickson and Rachel Dickson of Scott county, be, and the same is hereby dissolved.

This act to take effect and be in force from and after its passage.

CHAPTER XLVI.

An Act to divorce Lyman Leslie and his wife Lavinia.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the marriage tie heretofore existing between Lyman Leslie of Harrison county, and his wife Lavinia Leslie, be, and the same is hereby dissolved.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XLVII.

An Act for the relief of Rebecca McKowan.

[APPROVED JANUARY 30, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the marriage tie heretofore existing be-

ELECTIONS.

tween Rebecca McKowan of Clark county, and her husband Thomas H. McKowan, be, and the same is hereby dissolved.

SEC. 2. *Be it further enacted*, That the said Rebecca be, and is hereby appointed guardian of Mary Elizabeth and Sarah Ann McKowan, infant daughters of the said Rebecca.

This act to take effect and be in force from and after the first day of March next.

CHAPTER XLVIII.

An Act providing for an additional place of holding elections in the several Counties of this state.

[APPROVED FEBRUARY 1, 1834.]

Additional place of holding elections. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in any county in this state, may if they think it necessary for the convenience of the people, open an additional place of holding elections at the county seat, or in any township in the county, where the votes usually polled exceed eight hundred.

SEC. 2. The election or poll authorised by this act, shall be governed in all respects by the provisions of the law now in force, regulating general, county and township elections.

SEC. 3. This act to take effect and be in force from and after its publication.

CHAPTER XLIX.

An Act to legalize the election of Trustees for the Patoka Baptist Church in the County of Gibson.

[APPROVED DECEMBER 24, 1833.]

Preamble.

WHEREAS it is represented to this General Assembly that on the fourteenth day of April in the year 1832, at a meeting of the members of the Patoka Baptist church in Gibson county, three trustees were duly elected, in pursuance of, and for the purposes contemplated by an act entitled "an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting-houses, or masonic lodges," approved February 10th 1831; and that the certificate of the election was deposited and recorded in the recorder's office of said Gibson county, but, after the time limited therefor had expired: Therefore,

EVIDENCE.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the certificate of the election of trustees by the Patoka Baptist church deposited and recorded in the recorder's office of Gibson county after the time limited therefor had expired, shall have the same force and effect, as if the same had been deposited and recorded in proper time according to the provisions of the above recited act: and that the proceedings and acts of said trustees and their successors in office, are hereby legalized, and shall be taken and held to be as valid as if said certificate had been deposited and recorded in due time.

SEC. 2. This act to take effect and be in force from and after its publication.

CHAPTER L.

An Act declaring what shall be evidence in certain cases.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the printed statute books of this state and of the late territories of Indiana and Illinois, purporting to be printed under the authority of said state or territories, shall be evidence in all courts and places of the private acts therein contained.

SEC. 2. The printed statute books of the several states and territories of the United States, purporting to be printed under the authority of those states and territories, shall be *prima facie* evidence in all courts or places of the legislative acts, whether public or private, of those states or territories respectively.

SEC. 3. Copies taken by the Secretary of State of any statute contained in any of the printed statute books of the several states and territories of the United States, which have been or shall hereafter be transmitted under the authority of any such state or territory to the executive of this state, and which shall be deposited in the office of the Secretary of State, shall be admissible in any court or place, if said copies shall have attached thereto the certificate of the Secretary of State under the seal of the same, certifying such copy to be correct and complete of any such statute; that the statute book from which the copy of said statute is taken is deposited in the office of the Secretary of State, and is by him believed to have been received under the authority of the state or territory purporting to have enacted the same.

SEC. 4. Copies of the proceedings and judgments of

Proceedings of justices of other states, when to be received as evidence.

any justice or justices of the peace of any state or territory of the United States, certified by the justice or justices under his or their hands and seals, before whom such proceedings were had, or judgments rendered, that the same are true and complete copies of such proceedings or judgments, which copies shall have attached thereto the certificate of the clerk or prothonotary of any court of record of the county or district where said justice or justices shall hold his or their office or offices, certifying under the seal of such court that said justice or justices was or were, at the time when such proceedings were had or judgments rendered, and when any such copy was taken, duly commissioned and qualified to act as such, shall be admissible as evidence in any of the courts of this state.

Proceedings of a justice, certified by his successor, &c. shall be admissible.

SEC. 5. Where the proceedings or judgments of any justice or justices of the peace as in the fourth section of this act mentioned, shall be legally removed from such justice or justices before whom the same were had, and placed in the possession of his or their successor or successors in office, or any other justice or justices of the peace, copies of said proceedings or judgments, certified under the hand or hands and seal or seals of the justice or justices having such proceedings or judgments in his or their possession, that the same are true and complete copies thereof, that said proceedings and judgments are legally in his or their possession as the successor or successors as aforesaid or otherwise, shall be received as evidence in the several courts of this state, if said copies shall also have attached thereto the certificate of the clerk or prothonotary of a court of record of the county or district where said justice or justices shall hold or has or have held, his or their office or offices, under the seal of said court, certifying that the justice or justices before whom said proceedings and judgments were had, and by whom the copies shall be certified, was or were such officer or officers duly commissioned and qualified at the time of performing said several acts.

Proceedings of a justice of this state.

SEC. 6. Copies of the proceedings and judgments of any justice or justices of the peace of this state, certified by the said justice or justices under his or their hands and seals, before whom such proceedings were had or judgments rendered, that the same are true and complete copies of such proceedings or judgments, shall be received as evidence in the several courts of the state.

Certificate of successor.

SEC. 7. Where such proceedings and judgments shall be legally removed from such justice or justices before whom the same were had, and placed in the possession of his or their successor or successors in office, or any other justice or justices of the peace, copies of said proceedings and

judgments certified under his or their hands and seals, of the justice or justices having such proceedings or judgments in his or their possession, that the same are true and complete copies thereof, and that the said proceedings and judgments are legally in his or their possession or [as] the successor or successors as aforesaid [or] otherwise shall be received as evidence in the several courts of this state.

SEC. 8. Certificates or instruments either printed or in ~~Official acts~~ writing, purporting to be the official act of a notary public of this state or territory of the United States, and purporting to be under the signature and seal of such notary public shall be received as *prima facie* evidence of said certificates or instruments being the official acts of such notary public and of the truth of the facts therein set forth.

CHAPTER LI.

An Act to amend an act entitled "an act to subject real and personal estate to execution," approved February 4, 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for any execution debtor, who is entitled to claim certain property as exempt from execution according to the provisions of the act to which this is an amendment, to claim, in addition thereto, six sheep and the wool thereof, and one additional bed and bedding, as exempt from execution; and the officer having the execution shall in all respects be governed, in relation thereto, by the law to which this is an amendment.

SEC. 2. When it may so happen, that the execution debtor may be destitute of any or all the specific articles exempted by this act or the act to which this is an amendment, it shall be lawful for such debtor to claim, as exempt from execution, any other article or articles, of which he or she may be possessed, to be selected by such debtor, to the value of the article or articles, in whole or in part, of which such debtor may be destitute, so that the value thereof in the whole shall not exceed fifty dollars.

SEC. 3. This act to take effect and be in force from and after its publication.

L

Other articles may be selected where the debtor is destitute of those exempted.

Additional articles exempt from execution.

CHAPTER LII.

An Act to amend the act entitled, "an act regulating the fees and salaries of the several officers and persons therein named;" approved February 7th, 1831.

[APPROVED FEBRUARY 1, 1834.]

Clerks of supreme court. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the clerk of the supreme court for services rendered on the behalf of the state, in any criminal cause in said court, shall be allowed therefor the same fees as are now allowed by law for similar services in civil causes: and the said fees shall be taxed by one of the judges of said court, and be certified by him to be correct, which fees, when thus taxed and certified and presented to the Auditor of Public Accounts, shall be audited, and upon the warrant of said auditor to be issued therefor, shall be paid out of the state treasury.

SEC. 2. The clerk of the supreme court shall be allowed in addition to the fees now taxable, as follows:

For each trial \$0 25

For endorsing on supersedesas or writ of error, directions to the clerk of the inferior court 25

For docketing judgment 12 $\frac{1}{2}$

SEC. 3. The clerks of the circuit court, in criminal cases where the defendant is convicted, shall be allowed the same fees for services rendered, as are now allowed for like services in civil cases.

SEC. 4. For each license or permit to vendors of foreign merchandise, grocery-keepers, tavern-keepers, showmen, and vendors of clocks, the clerks issuing the same shall be allowed 25

For taking bail for the stay of execution on any judgment in the circuit court, the clerk thereof shall be allowed 25

SEC. 5. The fees herein allowed, may be collected by the officers entitled to the same, in like manner as is provided by the act of which this is amendatory, and the said officers in the charging and collecting of said fees, shall be subject to the same restrictions and responsibilities as are enjoined by said act.

CHAPTER LII.

An Act concerning costs and fees in criminal cases.

[APPROVED JANUARY 30, 1834.]

Be it enacted by the General Assembly of the State of Indiana,

GOVERNOR'S CIRCLE.

That in all criminal prosecutions for any capital or inferior offence, where the person or persons accused shall be acquitted, no costs or fees shall be charged or taxed again^t said person or persons for any services rendered in said prosecution by any clerk, sheriff, coroner, justice of the peace, constable, or witness.

This act to take effect and be in force from and after its publication.

CHAPTER LIV.

An Act for the suppression of gaming.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That if any person or persons shall keep a room, building, arbor, booth, shed or tenement to be used and occupied for gambling, or if any person or persons being the owner or owners of any room, building, arbor, booth, shed or tenement, shall rent the same to be used and occupied for gambling, the person or persons so offending, shall, on conviction, be fined in any sum not less than fifty nor more than five hundred dollars—and it shall be sufficient evidence that such room, building, arbor, booth, shed or tenement was rented for the purpose aforesaid, if said owner or owners know that his, her, or their lessee keeps and uses therein any gaming table, apparatus or establishment for the purpose of winning, betting or gaining money, or other valuable article, unless such owner or owners immediately make complaint thereof, or take other sufficient means to prevent and restrain the same.

CHAPTER LV.

An Act for the preservation of the public property on the Governor's Circle.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the agent of state is hereby authorized to contract for the erection of a good and substantial fence around the Governor's Circle, in the town of Indianapolis, with a suitable number of gates; which fence shall be of posts and plank, and shall be painted in such manner as to make it impervious to the weather, or as much so as may be.

SEC. 2. It shall be the further duty of said agent, to contract for the repair of the said building on said circle and cause to be erected a necessary out building, and plant the circle with ornamented shade trees.

Agent's duty. **SEC. 3.** It shall be the duty of the agent to have the aforesaid improvements completed on or before the first day of September next.

Auditor, &c. **SEC. 4.** It shall be the duty of the Auditor to audit, and the Treasurer to pay the amount of such contracts: *Provided*, the same shall not exceed the sum of three hundred dollars.

SEC. 5. The Auditor of State is hereby authorized and required to take charge of, and keep in safe preservation the building, enclosure, and other property on said circle, and prevent any injury or occupancy of the same or of any part thereof by any person or persons other than by the Secretary of State and the Auditor of State for their respective offices and the state library, the supreme court, and any or all of the judges thereof, for holding the supreme court, for a consultation room, or for offices for either of them; and the Auditor is hereby required at the expense of the state to prosecute criminally, or institute a civil suit, or both at his discretion, against any person or persons injuring said property or any part thereof, in the name of the state of Indiana.

This act to take effect and be in force from and after its passage.

CHAPTER LVI.

An Act to regulate the fees of the Commissioners of Grant County.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county commissioners of Grant county shall hereafter each receive the sum of two dollars per day for each and every day they may necessarily be employed in transacting the county business.

SEC. 2. All laws and parts of laws heretofore in force, which come within the purview of this act be, and the same are hereby repealed.

This act to be in force from and after its passage.

CHAPTER LVII.

An Act to incorporate the Corydon Steam Mill Company.

[APPROVED JANUARY 13, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Corporation of Indiana, That for the purpose of building and managing created. a steam mill for grinding grain, and driving such other machinery as may be attached to said mill, and carrying on the business incident thereto, in the town of Corydon and county of Harrison, Benjamin Aydelott, Thomas Posey, Thomas Farquar, Peter S. Kintner, Carter Likens, and their associates be, and they are hereby constituted a body politic and corporate, by the name and style of "The Corydon Steam Mill Company," and in such corporate name and capacity may sue and be sued, plead and be impleaded.

SEC. 2. The process against said corporation shall be by summons, which being executed, on any director or president thereof, hereinafter mentioned, the further proceedings shall be the same as against natural persons.

SEC. 3. The said corporation may have a common seal, **Seal.** and may change and alter the same at pleasure; and shall be capable of purchasing, holding, using, and conveying any estate, real or personal, necessary for the use and security of said corporation.

SEC. 4. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of fifty dollars each; but it shall be lawful for the said corporation to commence their said business when, and so soon as three thousand five hundred dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorized to do from time to time to the amount herein before mentioned.

SEC. 5. The subscriptions to the said stock shall be opened under the direction of Thomas Posey, Benjamin Aydelott and Peter S. Kintner, or any two of them, who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the said capital stock, on such days and at such place, after the passage of this act, at Corydon, as they shall appoint; and that the sum of five dollars, at least, shall be paid to the commissioners, previous to the election of directors, on each share.

SEC. 6. The stock, property, and concerns of the said corporation, shall be managed and conducted by five directors, who shall be stockholders and residents of Harrison county; one of whom to be president, who may respectively hold their offices for one year, and until others shall be

INCORPORATION OF COMPANIES.

Election of
directors.

chosen, and no longer: *Provided*, that the directors first chosen shall hold their offices until the second Monday of June, in the year eighteen hundred and thirty-five, and until other shall be elected in their stead.

Directors
chosen annu-
ally.

SEC. 7. So soon as the sum of three thousand five hundred dollars shall have been subscribed, and the sum of five dollars paid on each share, pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act, shall give notice, by written advertisements posted up at five of the most public places in said county, for an election of directors, on such day and at such place in the town of Corydon, as said commissioners, or a majority of them, shall designate, which notice shall be given at least ten days prior to such election.

SEC. 8. The directors of said corporation shall be chosen annually, on the second Monday in June in each year, after the term of the directors first chosen shall have expired, at such place in the town of Corydon as a majority of the directors for the time being may prescribe; of which elections notice shall be given at least fourteen days by written advertisements, posted up at five of the most public places in said county of Harrison, or by publication in a newspaper printed in the town of Corydon.

SEC. 9. The first election herein contemplated shall be held under the inspection of the said commissioner, and all subsequent elections under the inspection of the directors for the time being.

Ballot. SEC. 10. All elections shall be by ballot, and a majority of votes present, allowing one vote for each share, shall be necessary to a choice.

President. SEC. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president; and if any vacancy shall at any time happen among the directors by death or otherwise, such vacancy shall be fixed for the remainder of the term, by the directors then in office.

Vacancy of
director. SEC. 12. In case it shall happen at any time, that an election of directors should not be made on any day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election for directors, in such manner as shall be regulated by the by-laws and ordinances of said corporation.

Quorum. SEC. 13. A majority of the directors for the time being shall form a board or quorum for the transacting of all the business of said corporation, and shall have power to prescribe and make such by-laws, rules and regulations, not repugnant to the laws and constitution of the United States or of this state, as shall appear to them needful and proper, touching

INCORPORATION OF COMPANIES.

the management and disposition of the stock, property, estate, and effects of the said corporation; the duties and conduct of the officers and men employed therein; the election of directors, and all such matters as appertain to the concerns of said institution; and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allow such pay as to them shall seem just.

SEC. 14. The stock of said corporation shall be assignable and transferrable, according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: *Provided*, that no transfer of stock shall be valid or effectual, until registered, in a book to be kept for that purpose, by the president, which book shall at all reasonable hours of transacting business, be open to the examination of any stockholder, or person having any demand against the corporation or any member of it; and in case any officer of the company, having charge of such book, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of one hundred dollars, one moiety thereof to the Harrison county seminary, and the other moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of suit.

SEC. 15. The directors shall at all times keep or cause to be kept, at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation; which books shall be subject at all times, to the inspection of the stockholders of said company.

SEC. 16. That said stockholders shall each be held responsible to all creditors, in his individual capacity, to the amount of his stock, on failure of a sufficiency of property belonging to said company: *Provided*, that said corporation shall at no time be indebted to an amount exceeding the stock sold and held in said company. In case of excess, the directors under whose administration the same may happen, and by whose order or vote the same may have been created, shall be liable therefor in their individual capacity; but nothing in this section contained shall be so construed as to exempt said corporation from being also liable for said excess.

SEC. 17. The directors shall have power to receive, and by due course of law to collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board; or the board may in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share, forfeited to the use of

Stock assess-
ment.

Proviso.

Penalty for
refusing an
examination
of the transfer
book.

Accounts.

Responsibili-
ty of stock-
holders.

Individual
liability of di-
rectors.

Restriction.

Limitation.

Public act.

Corporation created.

Process.

Seal.

Capital stock.

the company: *Provided*, that notice of such requisition shall be given by said directors, by written advertisements posted up at five of the most public places in said county of Harrison, at least thirty days before such instalment may be payable, specifying the amount thereof and when due.

SEC. 18. The corporation hereby created shall not engage in any banking business whatever.

SEC. 19. This charter shall be, and is hereby limited to the term of fifty years, from and after the first day of July, eighteen hundred and thirty-four.

SEC. 20. This act shall be, and the same is hereby declared to be a public act, and shall take effect from and after its passage.

CHAPTER LVIII.

An Act to incorporate the Jeffersonville Steam Mill Company.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of building and managing a steam mill for grinding grain and driving such other machinery as may be attached to said mill, and to carry on the business incident thereto, in the town of Jeffersonville and county of Clark, John Fite, Samuel Beach, Charles Sleade, Eno Tuley, Robert Green, and Birditt C. Pile, and their associates, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Jeffersonville Steam Mill Company," and in such corporate name and style may sue and be sued, plead and be impleaded.

SEC. 2. The process against said corporation shall be by summons, which being executed on any director or president thereof, hereinafter mentioned, the further proceedings shall be the same as against natural persons.

SEC. 3. The said corporation may have a common seal, and may change and alter the same at pleasure, and shall be capable of purchasing, holding, using, and conveying any estate real or personal necessary for the use and security of said corporation.

SEC. 4. That the capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of fifty dollars each; but it shall be lawful for the said corporation to commence their said business when and as soon as four thousand dollars shall have been subscribed for, and with that capital to conduct and carry on the same until they shall find it expedient to extend their capital, which

they are authorized to do from time to time, to the amount hereinafter mentioned.

SEC. 5. The subscriptions to the said stock shall be Subscriptions, opened under the direction of John Fite, Samuel Beach, and Charles Sleade, or any two of them who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the said capital stock, on such days and at such places after the passage of this act at Jeffersonville as they shall appoint; and the sum of five dollars at least shall be paid to the commissioners previous to the election of directors on each share.

SEC. 6. The stock, property, and concerns of said corporation shall be managed and conducted by five directors who shall be stockholders and residents of Clark county, one of whom to be president, who may respectively hold their offices for one year, and until others shall be chosen, and no longer: *Provided*, that the directors first chosen shall hold their offices until the first Monday in June in the year eighteen hundred and thirty-five, and until others shall be elected in their stead.

SEC. 7. So soon as the sum of four thousand dollars shall have been subscribed, and the sum of five dollars paid on each share, pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act, shall give notice by written advertisement posted up at five of the most public places in said county, for an election of directors on such day and at such place in the town of Jeffersonville as said commissioners or a majority of them shall designate, which notice shall be given at least ten days prior to such election.

SEC. 8. The directors of said corporation shall be chosen annually on the first Monday in June in each year, after the term of the directors first chosen shall have expired, at such place in the town of Jeffersonville as a majority of the directors for the time being may prescribe, of which election notice shall be given at least fourteen days, by written advertisement posted up at five of the most public places in said county of Clark, or by publication in any newspaper printed in said county.

SEC. 9. The first election herein contemplated, shall be held under the inspection of the said commissioners, and all subsequent elections under the inspection of the directors for the time being.

SEC. 10. All elections shall be by ballot, and a majority of votes present, allowing one vote for each share, shall be necessary to a choice.

SEC. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president, and if any va-

Elect of directors.

Directors chosen annually.

Elections, how held.

Elections
may be held
on other than
the regular
days.

Quorum.

Stock assign-
able.

Proviso.

Penalty for
refusing an
examination
of the trans-
fer book.

Accounts.

Respon-
sibility of stock-
holders.

vancy shall at any time happen among the directors by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 12. In case it should happen at any time that an election of directors should not be made on any day, when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 13. A majority of the directors for the time being, shall form a board or quorum for the transaction of all the business of said corporation, and shall have power to prescribe and make such by-laws, rules and regulations, not repugnant to the laws and constitution of the United States, or of this state, as shall appear to them needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation; the duties and conduct of the officers and men employed therein; the election of directors, and all such matters as appertain to the concern of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allow such pay as to them [shall] seem just.

SEC. 14. The stock of said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: *Provided*, that no transfer of stock shall be valid or effectual until registered in a book, to be kept for that purpose, by the president, which book shall at all reasonable hours of transacting business, be open to the examination of any stockholder or person having any demand against the corporation or any member of it; and in case any officer of the company having charge of such book, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of one hundred dollars, one moiety thereof to the Clark county seminary, and the other moiety to him who will sue for the same by action of debt in any court of record, together with the costs of suit.

SEC. 15. The directors shall at all times keep or cause to be kept, at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation; which books shall be subject at all times to the inspection of the stockholders of said company.

SEC. 16. That said stockholders shall each be held responsible to all creditors, in his individual capacity, to the amount of his stock, on failure of a sufficiency of property belonging to said company: *Provided*, that said corpora-

tion shall at no one time be indebted to an amount exceeding the stock sold and held in said company. In case of excess, the directors under whose administration the same may happen, and by whose order or vote the same may have been created, shall be liable therefor in their individual capacity, but nothing in this section contained shall be so construed as to exempt said corporation from being also liable for said excesses.

SEC. 17. The directors shall have power to receive, and by due course of law to collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation; and shall be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board; or the board may in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share forfeited to the use of the company: *Provided*, That notice of such requisition shall be given by said directors, by written advertisement posted up at five of the most public places in said county of Clark, at least thirty days before such instalment may be payable, specifying the amount thereof, and when due.

SEC. 18. This charter shall be, and is hereby limited to the term of fifty years, from and after the first day of June in the year eighteen hundred and thirty-four, and shall not by the privileges herein granted engage in any banking business whatever.

SEC. 19. This act shall be and the same is hereby declared a public act, and shall take effect from and after its passage.

Individual li-
ability of di-
rectors.

Subscriptions,
collection of.

Proviso.

Limitation
and restric-
tion.

Public act.

CHAPTER LIX.

An Act to incorporate the Vincennes Steam Paper Manufacturing Company.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Ross, John Moore, and Jacob Har-
per, together with such other persons who may associate for the purpose of erecting a steam mill for the purpose of manufacturing paper within this state, to be established and located in Vincennes, Knox county, Indiana, be, and the same are hereby ordained, constituted, and declared a body politic and corporate, to all intents and purposes, to be known and designated by the name of "The Vincennes

Corporation
created.

Seal.

Limitation.

Capital stock

Election of
directors.

Steam Paper Manufacturing Company," by which name they and their successors and assigns shall have continual succession, and be entitled to all the privileges and immunities of [the] laws of this state, as a body politic and corporate, such as contracting and being contracted with, of suing and if necessary being sued, pleading and being impleaded, defending and being defended, in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure; and that they and their successors, as body corporate by the aforesaid name, shall be competent and capable of purchasing, holding, using, and conveying any property or estate whatsoever, real or personal, that may by them be deemed necessary in prosecuting the business aforesaid; and the said corporation as herein described, shall exist for the term of thirty years from and after the passage of this act.

SEC. 2. That the capital stock of said corporation shall consist of fifty thousand dollars, consisting of shares of fifty dollars each; that it shall nevertheless be lawful for said corporation, as soon as ten thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges of the said corporation, and shall at all times have the privilege of extending the capital stock by subscription till it amounts to fifty thousand dollars, as the interest or business of the corporation may require; and that the aforesaid John Ross, John Moore, and Jacob Harper, or any two of them, are hereby constituted commissioners, and as such are hereby authorized to open books and receive subscriptions to said stock in the borough of Vincennes, at such time or times as they may deem most expedient after the passage of this act; which subscriptions shall be paid at such time and in such manner as the board of directors shall order and direct.

SEC. 3. That so soon as ten thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock, property, and concern of said corporation. Said commissioners shall give at least fifteen days notice previous to holding said election, in some public newspaper printed in the town of Vincennes. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors shall be elected, and no longer; they shall be elected by a majority of the votes given, either by the stockholders present, or by written proxy of those not present; and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of

said corporation at the time of such election; which election shall be held in Vincennes, and annually from the date of the first election, unless the same should happen on Sunday, in which case it shall be held on the Monday succeeding. The said commissioners shall act as judges and managers of said first election; but at each subsequent election, the acting directors shall act as such judges, and shall manage and conduct said elections. The said directors shall elect one of their number to act as president of said board of directors, and in case of a vacancy of one in said board, by death or otherwise, the remainder of the board shall have power to fill the said vacancy; but if a vacancy of two or more should occur, the remaining board shall proceed to order an election to fill said vacancies, which election shall be conducted in the same manner as herein before described.

SEC. 4. That a majority of directors shall form a quorum capable to transact the business of said company, and may enact such by-laws, rules and regulations as they may deem expedient for the government of said corporation: *Provided*, they be compatible with the laws and constitution of this state and of the United States. The said directors shall have power and authority to put into operation all the designs contemplated in this charter.

SEC. 5. The said directors shall have power at any time to receive, and by due course of law coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit, and any tax or damage which they may assess for delinquency, or a refusal to pay the respective instalments of subscribers when called on by said directors: *Provided*, such tax shall not exceed ten per cent, on the amount of stock subscribed by said delinquent.

SEC. 6. That the stockholders of said corporation shall duly be held responsible in their individual capacity for the amount of their respective subscriptions to said stock: *Provided*, that if said company should at any time fail or become insolvent, and its property should not be sufficient to liquidate all just and legal debts, dues, and demands, and that said directors shall have been found guilty of violating any part of the letter and spirit of this charter, or should any agent be found transcending the orders of said directors, in either case such directors or agents shall become liable to the full amount of such failure or insolvency, otherwise their respective liabilities shall be on equal footing with other stockholders.

SEC. 7. The stock of said corporation shall be considered as personal property, and shall be assignable and transferable agreeably to such rules and regulations as the board of directors may at any time make and prescribe:

Vacancies.

Quorum.

Proviso.

Power of directors in coercing payment of subscriptions.

Individual responsibility of stockholders.

Stock assignable.

Secretary and
treasurer.Books open to
inspection.

Restriction.

Public act.

Provided, that no transaction in the capital stock shall be valid until the same shall be entered as matter of record on the books of said company, nor till all or any claims which said company may have against said stockholders shall be liquidated.

SEC. 8. That said directors shall appoint a secretary and a treasurer, who shall report to said board of directors at least every three months, and as much oftener as said board of directors shall direct; and that said secretary shall keep the books of said company in such manner that at any time they will give a full expose of all the transactions and the their situation of the concern; which books shall at all times be open to the inspection of all or any stockholder, or any individual to whom said corporation may be indebted, and upon a refusal thus to exhibit said books at any time during the usual hours of doing business, shall be fined in any sum not exceeding one hundred dollars at the discretion of the jury trying the same, by presentment or indictment in any court having competent jurisdiction.

SEC. 9. That this corporation shall not, in any way whatsoever, act or be engaged in any species of banking business, or issuing any bills of credit, payable to order or bearer, in the form of bank notes; nor shall it be lawful for it to engage in or follow any other business than is specified in this act.

SEC. 10. This act shall be, and the same is hereby declared a public act for the purposes herein specified, and shall take effect and be in force from and after its passage.

CHAPTER LX.

An Act to incorporate the Kankakee Manufacturing Company.

[APPROVED FEBRUARY 1, 1834.]

Corporation
created.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and are hereby constituted a body corporate, by the name and style of the "Kankakee Manufacturing Company," and by that name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to have, hold, purchase, receive, possess, enjoy, and retain to themselves and their successors forever goods, chattles, and effects of what kind soever, and lands, ten-

ments, and hereditaments, not exceeding, of land two sections, to be situated on or contiguous to the canal or race-way herein specified, and the same to dispose of, sell, and convey by deed or otherwise; and to build and erect any works or improvements the said corporation may deem expedient on said land, for the prosecution of any and every branch of manufacturing or mechanical business; to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. That Lathrop M. Taylor, Alexis Coquillard, Subscription and Horatio Chapin shall be commissioners to open books books. for receiving subscriptions to the capital stock of the said corporation, and the said books shall be opened on or before the first day of May, A. D. 1834, or as soon after that day as convenient: and each of the commissioners may receive subscriptions.

SEC. 3. The capital stock for said corporation shall be Capital stock twenty-one thousand dollars, divided into shares of thirty dollars each.

SEC. 4. Whenever two hundred shares of the stock of Election of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in the newspaper printed in the town of Fort Wayne, giving at least four weeks notice of the time and place of meeting of the subscribers to choose directors; and at the time and place appointed the stockholders shall choose five directors, being stockholders of said corporation, a quorum of whom shall be competent to transact business. A new election of directors shall be held annually at such time and place as the stockholders at their first meeting shall appoint; the directors chosen at any election shall thereafter choose out of their number one person to be president of said corporation, who shall continue in office until the next annual election of directors for said corporation, and until his successor is elected.

SEC. 5. In all elections, each share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or any person having a right to vote may vote by proxy.

SEC. 6. The corporation shall have power to call for Instalments, such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice

Rules in
voting.

Officers to
give bond.

Privileges.

Duty of cor-
poration
where a road
crosses the
canal.

Authority to
examine, &c.
a route for a
canal.

in some weekly newspaper, printed at or nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices, the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon for such detention.

SEC. 7. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper for the faithful performance of their respective duties.

SEC. 8. That the said corporation shall have perpetual succession, and the charter shall be subject every ten years to be altered or amended in such manner as the Legislature may deem advisable, and the said corporation shall have the sole and exclusive use and benefit of all the water passing along and through the canal or race authorized to be constructed by this act. The said corporation shall have full power and lawful authority to use any portion or all of the water flowing along and through the said canal or race, for hydraulic purposes and otherwise; and shall have power to lease out water privileges for any definite period of time, and on such terms as the company or corporation and lessees may contract for.

SEC. 9. It shall be the duty of said corporation whenever any state or county road now established, or may hereafter be established, shall cross the said canal or race, to make and keep in repair good and sufficient causeways so that the free use of said state or county road shall not be obstructed; and in all cases where any person shall own land on both sides of said canal or race, and there shall not be any causeway for a public road leading across the said canal or race, the owner of such land shall have the right to cross, and the said corporation shall make such causeways as may be necessary for the convenience of such owners.

SEC. 10. The corporation by their agents shall have full power from time to time, to examine, survey, mark, and locate the route for a canal or race from the Kankakee river or Lake, south west of South Bend in St. Joseph county, at any point they may fix upon, within five miles of said town, and running on the best ground for the interest of said corporation, and the convenience of the public, to the bank of the St. Joseph's river in the town of South Bend; the same to be not more than sixty feet wide.

SEC. 11. And for the purpose of making such examina-

tion and location, it shall be lawful for the corporation by their agents and persons in their employ, to enter upon any land to make surveys and estimates without the consent of the owner or owners thereof, until the rate of compensation shall be ascertained.

SEC. 12. It shall be lawful for the corporation, either before or after the location of said canal, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the location and construction of said canal; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests land, money, labor, property, stone, or other materials for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests made and entered into in writing by any person or persons capable in law to contract, and made in consideration of such location, or for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction to compel the observance of the same.

SEC. 13. That in all cases where any person through whose land the canal or race may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in said county, that such facts do exist, and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the county, who shall after taking an oath or affirmation faithfully and impartially to assess the damages, if any, view the land, and after having taken into consideration the advantages as well as disadvantages the works and improvements of said company may be to said land, shall report thereon whether such person is entitled to damage or not, and if so how much; and shall file said report with such justice, whereupon said justice shall enter judgment thereon, unless for good cause shewn, and in case either party should shew sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, that either party may at any stage of the proceedings, appeal to the circuit court of said county as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court.

SEC. 14. And in all cases where the owner or owners of such land shall be minors or insane persons, or reside out of the county, such justice shall cause three notices of application made, and of the day fixed for the appointment of

N

Proviso.

Proceedings

where the

owner of land

is a minor, &c.

viewers, to be posted up in three of the most public places in said county, and if no person shall attend on the day named in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of costs or damages awarded against them, the corporation shall be seized of the lands; costs shall be awarded against either party at the discretion of the justice.

Penalty for
injury.

SEC. 15. That if any person or persons shall wilfully and knowingly injure or obstruct said canal or race, or any part thereof, or shall break or deface any work or edifice belonging thereto, such person or persons so offending, shall pay to the said corporation three times the amount of damages actually done, with costs of suit, to be recovered by the corporation before any court having competent jurisdiction.

Capital may
be extended.

SEC. 16. Should the capital herein granted not be sufficient to accomplish the intended work, the corporation may increase the same to any amount not exceeding the sum of fifty thousand dollars.

Restrictions.

SEC. 17. The corporation shall in no case, under any pretence whatever, enter into banking business for the purpose of issuing bills of credit, or bills of any description to pass as a circulating medium.

Work when
to be com-
menced, &c.

SEC. 18. The corporation shall commence the construction of the said canal or race at any time within two years, and finish the same in any period of time not exceeding five years. The General Assembly may repeal this charter, if deemed expedient, at any time after a period of fifty years.

CHAPTER LXI.

An Act to incorporate the Leavenworth Manufacturing Company.

[APPROVED FEBRUARY 1, 1834.]

Corporation 1
created.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Peckenaugh, Dudley Grisham, and Elam Willey, together with such other persons who may associate for the purpose of prosecuting the manufacturing, exporting, and importing business within this state, to be established and located at or near the town of Leavenworth, Crawford county, Indiana, be, and the same are hereby ordained, constituted, and declared to be a body politic and corporate, to all intents and purposes, to be known and designated by the name of the "Leavenworth Manufacturing

Company;" by which name they and their successors and assigns shall have continual succession, and be entitled to all the privileges and immunities of laws of this state as a body politic and corporate, such as contracting and being contracted with, suing, and if necessary, being sued, pleading and being impleaded, defending and being defended in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure; and that they and their successors, as body corporate by the aforesaid name, shall be competent and capable of purchasing, holding, using, and conveying any property or estate whatsoever, real or personal, that may by them be deemed necessary to the prosecution of their designs as aforesaid: and the said corporation as herein described, shall exist for the term of fifty years from and after the passage of this act.

Limitation.

SEC. 2. That the capital stock of said corporation shall consist of one hundred thousand dollars, consisting of shares of one hundred dollars each; that it shall nevertheless be lawful for said corporation, so soon as four thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges of extending the amount of the capital stock by subscription till it amounts to one hundred thousand dollars, as the interest or business of said corporation may require; and that the aforesaid John Peckenaugh, Dudley Grisham, and Elam Willey, or any two of them, are hereby constituted commissioners, and as such are hereby authorized to open and receive subscriptions to said stock, at such places and times as they may deem expedient after the passage of this act, which subscriptions shall be paid at such time and in such manner as the board of directors shall order and direct.

Capital stock

SEC. 3. That as soon as four thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock, property, and concerns of said corporation. Said commissioners shall give at least fifteen days public notice previous to holding said election, by posting up notice thereof in three of the most public places in said county of Crawford. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors shall be elected, and no longer; and they shall be elected by a majority of the votes given, either by the stockholders present, or by written proxy from those not present, and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of such election; which election

Election of
directors.

President.

Vacancy.

Quorum.
By-laws.Subscriptions,
collection of
may be co-
erced.Responsibili-
ty of stock-
holders.Stock assign-
able.

Secretary, &c.

shall be held in Leavenworth, and annually from the date of the first election. The said commissioners shall act as judges and managers of said first election, but at each subsequent election the acting directors shall act as judges, and shall manage and conduct said elections: and said directors shall elect one of their number to act as president of the said board of directors, and in case of a vacancy of one in said board, by death or otherwise, the remainder of the board shall have power to fill the said vacancy; but if a vacancy of two or more should occur, the remaining board shall proceed to order an election to fill said vacancy.

Sec. 4. A majority of the directors shall form quorum capable to transact the business of said company, and may enact such by-laws, rules, and regulations as they may deem expedient for the government of said corporation: *Provided*, they be compatible with the laws and constitution of this state and of the United States. The said directors shall have full power and authority to put into operation all the designs contemplated in this charter.

Sec. 5. The said directors shall have full power at any time to receive, and by a due course of law, coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit, and any tax of damage which they may assess for delinquency or refusal to pay their respective instalments when called on by said directors: *Provided*, such tax shall not exceed ten per cent. on the amount of stock subscribed by said delinquent.

Sec. 6. That the stockholders of said corporation shall severally be held responsible in their individual capacity for the amount of their respective subscriptions to said stock, and no further: *Provided*, that if said company should at any time fail or become insolvent, and its property and effects shall not be sufficient to liquidate all just and legal debts, dues, and demands, and that said directors shall have been found guilty of violating any part of the letter or spirit of this charter, or should any agent be found thus transcending the orders of said directors, in either case, such directors or agents shall become responsible to the full amount of such failure or insolvency, otherwise their respective responsibilities shall be on an equal footing with other stockholders.

Sec. 7. The stock of said corporation shall be considered as personal property, and shall be assignable agreeably to such rules and regulations as the board of directors may at any time make and prescribe: *Provided*, that no transaction in the capital of said stock shall be valid until the same shall be entered as a matter of record on the books of said company, nor till all or any claims which said company may have against said stockholder shall be liquidated.

Sec. 8. That said directors shall appoint one secretary

and one treasurer, who shall report to said board of directors at least every six months, and as much oftener as said board may deem proper. Said treasurer shall, if required by said board of directors, give such security as they may deem sufficient; and that said secretary shall keep the books of said company in such a manner that at any time they will give a full expose of the whole standing, transactions, and state of the concern, which books shall at all times be open to the inspection of all persons concerned in any respect with said company, either as stockholder or having dealings with or claims against said corporation; and that said secretary, upon a refusal thus to display said books on any of the usual hours of doing business, shall forfeit and pay for the use of the person thus refused any sum not exceeding one hundred dollars, to be recovered by an action of debt.

Sec. 9. This corporation shall not, in any respect what-
ever, act or be engaged in any species of banking business,
or issuing any bills of credit in the form of bank notes.

Sec. 10. This act shall be, and the same is hereby de- Limitation.
clared to be a public act for the purposes herein specified, and shall take effect and be in force from and after its passage.

CHAPTER LXII.

An Act to incorporate the Mutual Fire Insurance Company of Terre Haute.

[APPROVED FEBRUARY 1, 1834.]

Sec. 1. *Be it enacted by the General Assembly of the State Corporation of Indiana*, That Demas Deming, Chancy Rose, Lucius H. Scott, John Scott, James B. McCall, William C. Linton, Thomas H. Blake, John and Samuel Crawford, and James Wason, and all others who may become members as hereinafter provided, and their successors forever, are hereby created, constituted, and appointed a body corporate and politic for the purpose of insuring buildings and other property against losses by fire, whether the same shall happen by accident, lightning, or any other means, except that of design in the insured, or by the invasion of the public enemy, or insurrection, by the name and style of "The Mutual Fire Insurance Company of Terre Haute," and by that name are and hereafter shall be capable in law to have, hold, purchase, receive, possess, and enjoy, to themselves and their successors forever, lands, tenements, and hereditaments, goods, chattles, and effects of what kind or nature soever; and the same to grant, alien, sell, and con-

vey; and by that name to sue and be sued, plead, and be impleaded; answer and be answered unto, defend and be defended, in all courts of record or any other places; also to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall be necessary and convenient for the government of the corporation, not being contrary to the laws of this state or the United States; and generally to do, transact, and perform all and singular the acts, matters, and things necessary or proper for the accomplishment of the objects of said corporation as aforesaid.

First meeting.

SEC. 2. That the persons above named, or any three of them, shall, by posting written notices in at least three of the most public places of said town, notify and call a meeting of the aforesaid persons and others who shall be associated with them as members of said corporation, to be held at the court house in said town on the first Monday of March next, or any other day that they may appoint, between the hours of 10 o'clock, A. M. and 4 o'clock, P. M. of such day, of which meeting ten days previous notice shall be given, at which time and place seven members shall be elected, by ballot, directors of said corporation, to hold their office one year from the day of said election, and until their successors are elected; and said directors shall

Election of
directors.

thereupon designate one of their number to be president of said corporation, who shall likewise hold his office one year, and until his successor is appointed; and the said president and directors shall, as soon as may be convenient thereafter, choose some person to be a secretary of said corporation, and also elect a person to be treasurer thereof, each of whom shall hold his office for one year from the time of the election of the directors, and until his successor is appointed; and the said secretary and treasurer shall give each bond with surety to the Mutual Fire Insurance Company of Terre Haute, in the sum of one thousand dollars, conditioned for the faithful performance of the trust reposed in him; which bonds shall be kept by the president of said corporation for the benefit and security thereof.

President.

SEC. 3. That any person or persons who shall at any time become insured in or with said corporation, and also their respective heirs, or the devisees of the property insured, being allowed to continue as persons insuring in said company, as hereinafter mentioned and provided, shall be deemed and taken as members thereof, for and during the time specified in his, her, or their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act; and that each and every of

Secretary, &c.

the persons named in the first section of this act, and those

Bond.

Membership,
what shall
constitute.

SEC. 4. That said corporation shall meet at such place as may be designated by their by-laws, annually on the first Monday of June in each year after the present year, between the hours of 10 o'clock, A. M. and 4 o'clock, P. M. of said day, for the choice of seven directors of said corporation for the ensuing year; of which meeting notice in writing shall be given by the secretary, by posting up such notices in three of the most public places in said town of Terre Haute at least ten days before such meeting; and that special meetings may at any time be called and notified in the same manner; and that said corporation when convened, either at the annual or special meetings, shall have power to make by-laws as aforesaid, and to transact all necessary affairs relative to the good order and prosperity of said corporation; to adjourn from time to time as occasion may require; and at all meetings thus notified and held, a majority present shall determine all questions put to said corporation by any member thereof.

who shall be associated with them, previous to the first election for directors, who may neglect to become insured in and with said company on or before the first Monday of June next, shall thereafter cease to be members of said corporation, and so continue until insurance may be effected by them.

SEC. 4. That said corporation shall meet at such place as Annual elec-
tions of direc-
tors.

Annual elec-
tions.

SEC. 5. That the directors on the day of the annual meeting of such corporation in each year, shall elect, by ballot, from among themselves one person to be president, and also choose a secretary, treasurer, and such other subordinate officers as by the by-laws of said corporation shall be required, and at pleasure may remove said secretary, treasurer or subordinate officer, and at any time fill such vacancy, or any vacancies that may in any way happen. And the said directors shall at all times superintend and manage the funds and affairs of the corporation, three of whom shall constitute a quorum to do business, and when any vacancy shall happen in the board of directors, by death, resignation, or removal, such vacancy shall be filled by the other directors; and the director so chosen shall hold his office until the next annual meeting.

SEC. 6. That the board of directors shall meet at an office in the town of Terre Haute, by them established, on the second Wednesday of every month to discharge the duties devolving upon them; and it shall be their duty to prescribe the form of all applications and proposals for insurance, and determine the sum to be insured on any building, or other property: *Provided*, such insurance shall not exceed three fourths the value thereof, and to direct and order the making and delivery of all policies of insurance, which shall be signed by the president, counter-signed by the secretary, and have affixed thereto the seal of said corporation. The

President, se-
cretary, &c.

Vacancy.

Directors to
manage
funds, &c.

Vacancy.

Quorum.

Vacancy,

how filled.

Directors
shall meet
annually
their duty.

directors shall also order the purchase of books, and other things needful for the office of said company, and for carrying on the affairs thereof, and fix or establish the premium, or sum to be deposited, and the manner of doing the same for insurance on any building or other property insured by said company; and may adopt such regulations to reward such person or persons as shall distinguish themselves by extraordinary exertions, or services in extinguishing fires, as they may deem expedient; and in all cases where money is to be paid out of the treasury of said company, for any purpose whatever, the board of directors shall draw an order on the treasurer for the same. And the directors from time to time, at any of their meetings, may designate, which of the directors shall attend the ensuing, or any other meeting of the board of directors; and every director, who shall fail to attend any such meeting of the board of directors, when so designated and informed thereof, shall forfeit and pay the sum of one dollar for each day he may fail to attend, *unavoidable absence only excepted*, said fine to go to the benefit of the corporation.

Duty of the president.

SEC. 7. The president shall attend and preside at all annual and special meetings of the corporation, and at all meetings of the board of directors; and in the absence of the president, the senior director shall preside; and the president shall be liable to the same forfeiture to the corporation for non-attendance, and subject to the same exception as any director, and shall sign all policies of insurance ordered by the directors. On all questions submitted to the company, or board of directors, the president shall have a casting voice.

Duty of the Secretary.

SEC. 8. The secretary shall keep a fair record of all the votes, proceedings, acts, orders and doings of said corporation, and also of all orders, acts votes, allowances, grants, and purchases of said board of directors, or corporation, and of all fines, forfeitures, and penalties, as well as of all losses and rewards incurred by, or made to any member of said corporation; and give copies of all and every matter of record to any person or persons on receiving such compensation therefor, as clerks of courts receive for copies of records.

Duty of the treasurer.

SEC. 9. That it shall be the duty of the treasurer to collect all monies, premiums, taxes, assessments, fines, forfeitures, and penalties for the use and benefit of said corporation; keep a fair account of the same, and pay all such orders of the board of directors as may be drawn, and render his account thereof to the board of directors for liquidation, at least once in each year, and at all other times when requested by the directors.

Deeds, &c.

SEC. 10. That all deeds, mortgages, bonds, notes and

obligations whatsoever, taken for the benefit of said corporation shall be made to the Mutual Fire Insurance Company of Terre Haute, and a delivery of the same to the directors or secretary, shall be deemed a delivery to said corporation.

SEC. 11. That any person, who may become a member of said company, by effecting insurance thereon, shall before he receives his policy, deposit his promissory note for such sum as shall be agreed upon by the board of directors; and so much of said note as shall be [fixed upon] by a rule to be established by the directors, *not however to be less than one, nor more than five per cent. thereof*, shall be paid forthwith for the purposes of discharging the incidental expenses of said corporation, and constituting a fund for the payment of losses; which may be loaned at any legal rate of interest at the discretion of the directors; and the remainder of such note shall be payable in part, or in whole, at any time when the board of directors shall deem the same requisite for the payment of losses, or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after settling all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof.

SEC. 12. That each and every person effecting insurance in or with said company shall have a policy for the same, under the hand of the president, and counter-signed by the secretary, all which insurances shall be deemed good and valid from the time of the charge of insurance; and the deposit money may be paid, or secured, as hereinafter directed; that is to say, all insurances shall be for a term of not less than one, nor more than five years, and the directors shall annually at the first meeting after their election fix the term for which policies on buildings shall be extended for the ensuing year, and which terms shall not be changed during the year; the time for which such policy shall run shall be computed from six o'clock in the evening of that day, on which the said expenses of insurance and premium may be paid, which shall be the day of the date of the policy, and to extend to, and expire at six o'clock in the evening of the last day of the term of such policy.

SEC. 13. That no insurance on any building or buildings shall be good and valid to the assured, unless the assured, aforesaid, shall have a good and perfect title in fee-simple unencumbered, to the building or buildings, and the land covered by the same, or unless the true title of the assured, or the incumbrances on the premises be fully expressed in the proposals for insurance, and also specified in the policy thereof.

SEC. 14. That every member of said corporation shall

Liability of members.

stand to, and be bound, and obliged to pay his just proportion of all losses, charges, contributions, and assessments happening and accruing in and to said company: *Provided always, that no person shall be bound or obliged to pay more than the amount of the deposit note during the term of the insurance, in taxes or assessments when all are added together, excluding therefrom the per cent. that shall be required to be paid as aforesaid;* and any member of said corporation may at any time during the term of his insurance, by payment of said deposit note in full, over and above the said per cent., and by surrendering his policy, be discharged from said company, and thereafter be no longer liable for, or subject to any penalty or assessment.

Stock being insufficient to pay all the losses, dividends to be made.

SEC. 15. That if it should ever happen that the stock of said company, deposited or paid as aforesaid, shall not be sufficient to pay all the losses occasioned by fire, then and in such case, the sufferers insured by said company, shall receive towards making good the respective losses, a proportional dividend of the said whole stock, according to their respective losses, and the respective sums insured to them by said company.

Notice of loss.

SEC. 16. That every member of said company, who may sustain any loss or damage by fire, shall give immediate notice thereof to the president, secretary, or directors of said company, at their office, to the end that the directors, or other officers of said company may view, examine, and enquirein to the cause of the losses or damage, and know the condition of the said buildings or property damaged or destroyed; and any losses or damage not claimed in three months after the fire, shall not be paid or allowed, but with the consent of a general meeting of the company.

Duty of directors to be informed of a loss.

SEC. 17. The board of directors shall with all convenient expedition, after receiving notice of any loss by fire, settle and determine the sum to be paid by the several members of said company, as their respective proportions of such loss, and publish the same in such manner as they shall think fit: *Provided always, that the sum to be paid by each member, shall be in proportion to the original amount of such members deposit note, all which sums shall be paid into the hands of the treasurer within thirty days next after the publication of the same as aforesaid;* and in default of such payment, the party so in default, shall in addition to the amount of the assessment or assessments made upon such member, forfeit and pay a sum equal in amount thereto, and neglecting to pay the said assessment or assessments and forfeitures sixty days more, shall thereafter be excluded and debarred, and shall thereafter lose all benefit and advantage of his, her, or their insurance, or in-

surances, respectively, and all right to the stock of said company; and notwithstanding, shall be liable and obliged to pay all assessments that shall thereafter be made during the continuance of the term of insurance pursuant to the provisions of this act.

SEC. 18. That all buildings insured by said company in manner aforesaid, and all theinsurer's right, title, interest, claims, and demands in and to the lots or lands whereon the same are situate, shall be by virtue of such insurance pledged to the said company, and the said company shall have a lien thereon for all demands of said company against the insured, by virtue of such insurance, and against his, her, or their heirs, and against them only, during the continuance of his, her, or their policy or policies.

SEC. 19. That if any person or persons insured as aforesaid, their heirs, executors, administrators, or assigns shall neglect or refuse the payment of any assessment, assessments, or forfeiture for the term of three months after notice given as aforesaid, the same may be recovered by the said Mutual Fire Insurance Company of Terre Haute by action of debt, before any proper court to hear and determine the same, and the same with costs shall be collected by execution as in other cases of judgment, and when collected shall be paid over to the treasurer of said company: *Provided, however, that, as against executors or administrators, the right of action shall be suspended for the same length of time, as is required by the laws of this state.*

SEC. 20. That the directors shall settle and order the payment of all losses and damages sustained by fire as aforesaid to the insured, and at the end of ninety days from the time the same shall have been duly notified, as aforesaid.

SEC. 21. That if any alteration should be made in any building or buildings insured as aforesaid, by the act of the proprietor, owner, or possessor, after the same shall be insured in and by said company, whereby the same may be exposed to greater risk or hazard than at the time of effecting the insurance, then, and in every such case the insurance or insurances made on such building or buildings, shall become void, unless the same be made with the consent and approbation of the board of directors in writing, under the hand of the secretary of said company, and unless an additional deposit be made, and an additional premium be paid, according to such agreement or order of the board of directors, as they may make thereon.

SEC. 22. That if insurance upon any building or buildings, or other property shall be and subsist in said company, and at or in any other office, or from any other person or persons, at the same time, or during any period of time,

Lein on property insured

Right of action to the company, in what cases given.

Losses to be paid in ninety days.

Alterations in property, the insurance shall become void unless made by consent of the directors

Double insurance.

Price of policy.

Certain property not to be insured except by consent of three fourths of the corporation.

Property alienated publicly to be surrendered.

Proviso..

when insurance subsists in the said Mutual Fire Insurance Company of Terre Haute, the said insurance made and effected in the last mentioned company, shall be deemed and become void, unless such double insurance subsist with the consent and approbation of the board of directors, signified by endorsement on the back of the policy, by the secretary of said company, in pursuance of an order to that effect, given and passed by said board of directors.

SEC. 23. That the board of directors shall determine the amount to be paid by the insured for each policy, transfer, or mortgage.

SEC. 24. That no steam-mill, distill-house, brewery, bake-house, painters or carriage maker's shop, or other building wherein any of the hazardous trades or business following are carried on, viz: chymists, oil-makers, tallow-chandlers, malt-driers, stable-keepers, or cotton-manufacturers, or any which are used as stores for the following hazardous goods, viz: flax, hemp, tallow, tar, pitch, turpentine, rosin, or gun-power exceeding one cask, shall be insured by said company, except by the consent of three fourths of all the members of said corporation, to be expressed by a vote to be taken at the annual election of the officers thereof, and which vote shall be recorded on the books of said company, and which consent when given, may at any annual meeting thereafter of the members of said company, be withdrawn in like manner; nor shall any building occupied or used for carrying on any of said hazardous trades or business, or for storing said hazardous goods, or used as a mechanic's shop, or as a deposit for hay, straw, fodder, or grain unthrashed, be insured by said company, but upon such terms as the board of directors may especially agree upon; and no policy shall be construed to extend to any such building in which such hazardous trades or business shall be allowed to be carried on, or in which such hazardous goods or materials shall be allowed to be stored or deposited, unless it is especially mentioned, and set forth in the policy issued on such insurance.

SEC. 25. That when any building insured under the provisions of this act, shall be alienated by sale or otherwise, the policy thereupon shall be void, and be surrendered to the directors of said company to be cancelled; and upon such surrender, the insured shall be entitled to receive his, her, or their deposit note or notes, upon the payment of his, her, or their proportion of all losses and expenses, which may have accrued prior to such surrender: Provided however, that the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, her, or them, for his, her, or their own use and benefit upon application to the board of directors, and with

their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said board, for such proportion of the premium note or notes as shall be unpaid; and by such ratification and confirmation the parties causing the same shall be entitled to all the rights and privileges, and subject to all the responsibilities to which the original insured was entitled or subject, under this act.

SEC. 26. That it shall and may be lawful at all times for every member of said company, his heirs, or legal representatives to inspect the books and records of said company, and in case of any suit against, or in favor of said company, the court trying the same shall have power to compel, by any proper order, the production of the books and records of said company.

SEC. 27. That after the first election of officers of the said corporation no person shall become a member thereof or hold an office therein, except the secretary of said company, unless he, she, or they is or are insured therein, according to this act; and whenever any policy shall by its own terms expire, or may be surrendered as aforesaid, then such insured shall cease to be a member of said company.

SEC. 28. That it may be lawful for the board of directors, at their discretion, to cause a dividend of any surplus funds in the treasury of said company, to be paid to the members thereof, at the time of such dividend, according to the amount of each deposit note.

SEC. 29. That each member of said corporation, at any meeting, may appear and act by himself, or proxy: Provided, that no person shall act by virtue of any such proxy but within six months from its date: Provided, nevertheless, that this incorporation shall not go into operation until property to the amount of ten thousand dollars is insured upon the principle of this act, and according to the regulations to be adopted under it.

SEC. 30. That it shall not be lawful for said corporation, in any wise, to be engaged in the business of banking, or to act in person hold permanently of real estate exceeding in quantity two lots in said town of Terre Haute; and this act shall and may at any time be altered, amended, or repealed by and at the pleasure of the General Assembly.

SEC. 31. That this act shall take effect and be in force from and after its passage.

Members, &c.
may inspect
books, &c.Books to be
produced in
court.Who shall be
members of
the corpora-
tion.

Dividend.

Members may
or by proxy.

CHAPTER LXIII.

An Act to incorporate the Jeffersonville Insurance Company.

[APPROVED FEBRUARY 1, 1834.]

Capital stock.

Name and powers.

Insurances.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and is hereby established in the town of Jeffersonville, an Insurance Company with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereafter specified; which stockholders and subscribers, and their successors, shall be, and they are hereby created a body politic and corporate, by the name and style of the "Jeffersonville Insurance Company," and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company, for the security or in payment of any debts which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and may have and use a common seal, and the same alter, change, and renew at pleasure; and may also make, ordain, and establish, and put in execution such by-laws, ordinances, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, that no by-laws, ordinances, rules, or regulations of said company, shall in any wise be contrary to the constitution and laws of this state or of the United States.

SEC. 2. That said corporation shall have full power and authority, to insure on all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage on goods, merchandize, and produce, in the course of transportation, whether on the land or on the water, and any vessel or boats, wherever they may be; to make all kinds of insurance upon life or lives; to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest which they may have in any vessel, boat, goods, merchandize, or other property, by means of any loan or loans which they may make on mortgage, bottomry, and respondentia; and gene-

rally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to loan their capital stock, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time and under such restrictions and limitations as the directors thereof for the time being shall deem prudent and best for the interest of said company: *Provided*, that it shall not be lawful for said corporation to use or employ any part of their capital stock, money, or other funds in buying or selling goods, wares, or merchandize, nor shall said corporation issue or emit any bills of credit, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, nor make any contracts in writing, except under the seal of the corporation, for the payment of money, other than such as may be contained in their policies of insurance.

SEC. 4. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of nine directors, who shall be stockholders and residents within this state and citizens of the United States; and after the first election, they shall be elected by the stockholders on the second Monday in October annually, at such time of day and at such place in the town of Jeffersonville as said directors for the time being shall direct; they shall hold their office for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same, in any newspaper printed in said town or in the nearest newspaper to said town; and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and every such election, and at all other meetings of the stockholders, held under the provisions of this act, each shall be entitled to one vote for each share; any stockholder not personally attending such election, or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election of directors should not be made on any day [when] by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 5. That the directors duly chosen under the provis- President.

Capital stock may be loaned.

Restrictions.

Election of directors, &c.

Elections may be held on other than the regular days.

Vacancies in
board of di-
rectors.

Secretary and
other officers.

By-laws.

Stated meet-
ings.

Quorum.

Questions
how deter-
mined, &c.

Dividends.

Proviso.

Policies.]

ions of this act, shall, as soon as may be after the first and every annual election, elect from their own body a president, who shall preside in the board until the next annual election, and in case of his death, resignation, or absence, the board shall appoint a president pro tempore; they shall fill all vacancies which may occur in their own body during the time for which they shall be elected, and shall appoint a secretary and all subordinate officers, clerks, agents, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the by-laws, rules, and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules, and regulations for their own government, and for the management and disposition of the stock, property, estate, funds, and business of said company, and all matters referring thereto as shall be needful and proper, not contrary to the provisions of this act and the by-laws, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings agreeably to their own regulations, and at such other times as the president thereof for the time being shall order and direct; and a majority of the whole number shall constitute a quorum and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board, shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered in the journal of their proceedings; and no vote shall be reconsidered by a less number than were present and voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair nor in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 6. That all policies of insurance which may be made or entered into by said corporation, shall be subscribed by the president or the president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and by the secretary, and being so signed and attested shall be binding and obligatory on the said corporation without the seal thereof, according to the true intent and meaning thereof; and all such policies and contracts

may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary, at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Sec. 7. That the stock of said company shall be assignable and transferable on the books of the same or otherwise, according to such rules and by-laws and subject to such restrictions and limitations as may be established by the directors; and all such stock shall be held and considered as personal property.

Sec. 8. That any number of stockholders who shall at the time be the owners of one fifth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town or the nearest one to said town, of the time and place of such meeting; and the stockholders present, in person or by proxy, at any such meeting, shall decide all questions proposed for consideration by a plurality of votes, each share counting one vote; and may make and prescribe such by-laws, ordinances, rules, and regulations as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

Sec. 9. The books for the subscription to the capital stock of said company shall be opened in the town of Jeffersonville, by and under the direction of William Leviston, James Ridge, John Fischli, Samuel Merriweather, John D. Shryer, William Bowman, Robert Green, and William D. Beach, or any three of them, who are hereby appointed commissioners for that purpose, whose duty it shall be to give notice of the time and place of opening books for subscription, in a newspaper printed in said town or the nearest one to said town; and it shall be lawful for any individual, company, or body corporate to subscribe for any number of shares; and such individual, company, or body corporate shall, at the time of subscribing, pay to the said commissioners one dollar on each share so subscribed; and it shall be the duty of said commissioners as soon as four hundred shares are subscribed, to give two weeks notice, in some newspaper as aforesaid, of the time and place for the stockholders to meet and elect the first board of nine directors, *First board of* which election shall in all respects be governed by the provisions of this act for the [selection of] directors, and the

Commissioners shall pay over money, &c. to directors.

Stock subscribed, how paid for.

Business, when to commence.

Remainder of stock offered.

Premium.

Policies assignable.

Proviso.

Loss to be paid in sixty days.

Proviso.

board of directors thus elected shall constitute the first board and shall continue in office until the next annual election.

SEC. 10. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors to demand and receive of each stockholder the full amount of the stock by them respectively subscribed, which payment shall be made in cash, or secured to be paid by giving real or personal security to the satisfaction of the directors; and if any stockholders shall fail to make such payment, or give such security aforesaid within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: *Provided*, that the said corporation shall not commence business or grant any policy of insurance until four hundred shares have been subscribed and paid for, or secured to be paid as aforesaid, it being one fifth of the capital stock. All the remaining balance of the stock shall be offered for sale at such time and place and on such terms as the directors for the time being may from time to time direct.

SEC. 11. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire or any other cause or risk, or any goods, merchandize, or produce, whether on the land or on the water, on any vessels or boats whatever and wherever they may be, on life or lives, it shall be lawful to charge such rate of premium as may be agreed upon by the parties.

SEC. 12. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or venders to assign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof: *Provided*, that before any loss happens, notice shall have been given said company of said assignment: *And provided*, that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 13. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, there shall have been no violation of the conditions of the policy on the part of the insured; and on all judgments

obtained by said corporation, there shall be no stay of execution. The stockholders may at any regular meeting either increase or diminish the number of directors: *Provided*, that there never shall be more than thirteen nor less than five.

SEC. 14. This act shall be and continue in force for the term of twenty-five years from and after the publication of the same in the New-Albany Gazette, and shall be deemed and taken to be a public act.

CHAPTER LXIV.

An Act to incorporate the Rising Sun Insurance Company.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and is hereby established in the town of Rising Sun, Dearborn county, Indiana, an Insurance Company, with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereinafter specified; which stockholders and subscribers and their successors shall be, and are hereby created a body politic and corporate, with succession for the period of fifty years, by the name and style of the "Rising Sun Insurance Company," and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debts which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and may have and use a common seal, and the same to alter, change, and renew at pleasure; and may also make, ordain, and establish and put in execution, such by-laws, ordinances, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, that no by-laws, ordinances, rules, regulations, or contracts of said company shall in any wise be contrary to the constitution and laws of this state or of the United States: *Provided*, said company shall

Corporation created.

Seal.

By-laws.

Proviso.

never hold any real estate more than shall be absolutely necessary on which to erect the necessary buildings for the carrying on of the business of this association; but nothing herein contained shall prevent the said corporation from securing their debts by the purchase of real estate: *Provided*, that said real estate shall not be held by said corporation or any person or persons, body or bodies corporate or politic in trust for said corporation, for any greater length of time than two years.

Powers.

Sec. 2. That said corporation shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage on goods, merchandize, and produce, in the course of transportation, whether on the land or on the water, and any vessels or boats wherever they may be; to make all kinds of insurance upon life or lives; to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest which they may have in any vessel, boat, goods, merchandize, or other property, by means of any loan or loans which they may make on mortgage, bottomry, and respondentia; and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

Funds may be
vested in pub-
lic stocks, &c.

Sec. 3. That it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property in any public stock or funded debts, created or to be created by or under any law or laws of the United States, or of this or any other state, or in the stock of any chartered bank in this state or of the United States, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof in such stocks or funds whenever and so often as the exigencies of said corporation or a due regard to the safety of its funds may require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time and under such restrictions and limitations, not contrary to the laws of this state, as the directors thereof for the time being shall deem prudent and best for the interest of said corporation: *Provided*, that it shall not be lawful for said corporation to use or employ any part of their capital stock, money, or other funds in buying or selling goods, wares, or merchandize; nor shall said corporation issue or emit any bills of credit, or receipts of deposit, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid, nor make any contracts in writing, except under the seal of the

Proviso.

corporation, for the payment of money, other than such as may be contained in their policies of insurance.

Directors.

Sec. 4. That the real and personal estate, business, property, funds, and concerns of said corporation, and the administration of its affairs, shall be under the management and control of a board of nine directors, who shall be stockholders and residents within this state, and citizens of the United States, and after the first election, they shall be elected by the stockholders, on the second Monday in October, annually, at such time of day, and at such place in the town of Rising Sun, as said directors for the time being shall direct; they shall hold their office for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper published in or nearest to said town, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and every such election, and at all other meetings of the stockholders, held under the provisions of this act, each shall be entitled to one vote for each share; any stockholder not personally attending such elections, or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election of directors should not be made on any day when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 5. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect from their own body a president, who shall preside in the board until the next annual election, and in case of his death, resignation, or absence, the board shall appoint a president pro tempore; they shall fill all the vacancies which may occur in their own body directory, during the time for which they shall be elected, and shall appoint a secretary, and all subordinate officers, clerks, agents, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitations, not inconsistent with the provisions of this act, and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make

President.

Vacancy in

Secretary &c.

By-laws.

such by-laws, rules, and regulations for their own government, and the management and disposition of the stock, property, estate, funds, and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, and regulations of the same.

Stated meetings.

Оногум-

Questions decided *viva voce* powers, and connected with their duty; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require

Yeas & nays.
Reconsidera-
tion.

Dividends.

Proviso.

Policies, how made.

Policies, how made. SEC. 6. That all policies of insurance which may be made, or entered into by said corporation, shall be subscribed by the president or president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested, shall be binding and obligatory on the said corporation without the seal thereof, according to the true intent and meaning thereof; and all such policies and contracts may be entered into, and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary at every annual election, or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Duty of Secretary.

Stock personal property, and is assignable.

rectors; and all such stock shall be held and considered as personal property.

Sec. 8. That any number of stockholders, who shall at the time be the owners of one fifth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in or nearest to said town, of the time and place of such meeting; and the stockholders present, in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, each share counting one vote; and may make and prescribe such by-laws, ordinances, rules, and regulations as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

SEC. 9. The books for the subscription to the capital stock of said company shall be opened in the town of Ris-
on, and the same shall be kept by F. G. Park, S. H. ^{et al.} Subscription books to be opened.

stock or said company shall be opened. Sun, by and under the direction of E. S. Bush, S. Hathaway, J. B. Craft, J. Haines, J. H. O'Neil, William Lanius, J. DeCoursey, P. James, and A. C. Pepper, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper printed in or nearest to said town; and it shall be the duty of said commissioners to keep open said books between the hours of 9 and 12 o'clock for the space of six days at least, in which it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares; and such individuals, company, or body corporate, shall at the time of subscribing, pay to the said commissioners one dollar on each share so subscribed; and it shall be the duty of said commissioners, if four hundred shares are subscribed within the time aforesaid, or so soon thereafter as that number shall be subscribed, to give two weeks notice in some newspaper printed in said town or the nearest thereto, of the time and place for the stock-holders to meet and elect the first board of nine directors; which election shall in all respects be governed by the provisions of this act for the election of directors; and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

Sec. 10. That so soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors to demand and receive of each stockholder the full amount of the stock by

Penalty for
non-payment.

Restrictions
as to time of
commencing
business.

Remaining
stock offered
for sale.

Rate of pre-
mium.

Policies as-
signable.

Proviso.

Payment of
losses.

Proviso.
Number of di-
rectors.

Copy of sub-
scription
book filed in
Clerk's office.

them respectively subscribed, which payment shall be made either in cash, or secured to be paid by giving real or personal security to the satisfaction of the directors; and if any stockholders shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing:

Provided, that the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one fifth of the capital stock. All the remaining balance of the stock shall be offered for sale at such time and place, and on such terms, as the directors for the time being, may from time to time direct.

SEC. 11. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal against loss or damage by fire, or any other cause or risk; on any goods, merchandise, or produce, whether on the land, or on the water; on any vessels or boats whatever, and wherever they may be; on life or lives; or shall lend any money on bottomry and respondentia, it shall be lawful to charge such rate of premium or interest, as may be agreed upon by the parties.

SEC. 12. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or venders, to assign such policy to the vendor or vendees of such property, and such assignee or assignees, shall have the full benefit thereof: *Provided*, that before any loss happens, notice shall have been given said company of said assignment: *And provided*, that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 13. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, there shall have been no violation of the conditions of the policy on the part of the insured. The stockholders may at any regular meeting, either increase or diminish the number of directors: *Provided*, that there never shall be more than thirteen nor less than five.

SEC. 14. A copy of the original subscription book of stock shall be filed in the clerk's office of Dearborn county, within thirty days after the same shall be closed.

SEC. 15. The General Assembly may at any time ap-

point a commissioner to examine the books, papers, and affairs of said corporation, who shall have power to send for persons and papers, and to examine on oath all or any of the officers of said corporation, and other persons touching all matters relative to the affairs of said corporation.

SEC. 16. If said committee [commissioner] report that said corporation has violated its charter, the General Assembly may order a *sicre facias* to be issued from any court of competent jurisdiction, against the said corporation, requiring the same to shew cause why the said corporation shall not be dissolved; and such court shall have power, unless good cause be shewn to the contrary, to dissolve said corporation, and make such other order, judgment, or decree in the premises as the law may require: *Provided*, that if the said corporation or either or any of its officers shall withhold the production in such court, of any or all of its books, papers, or written proceedings, when thereunto ordered by said court, (if a reasonable time be allowed for that purpose,) that the same shall of itself be sufficient cause for such dissolution, and further order, judgment, or decree as aforesaid.

SEC. 17. A failure to pay undisputed losses insured against, for the space of ninety days after a demand of payment, or for ninety days after final judgment, shall be one of the evidences of a violation of the charter.

SEC. 18. In case of the *fraudulent insolvency* of said corporation the president and directors by whose acts or omissions the insolvency was wholly, or in part occasioned, and whether then in office or not, shall each be liable in the first instance to the creditors and stockholders of said corporation, for his proportional share of their respective losses: the proportion to be ascertained by dividing the whole loss among the whole number of directors liable; and if any such president or directors shall be unable, by reason of being insolvent or from any other cause, to pay his proportional part of such loss, then the residue of said loss shall be borne and paid in equal parts by the remaining directors liable as aforesaid until the whole loss shall be reimbursed, or the whole property, rights, credits, and effects of each of said directors shall have been exhausted toward the payment of such loss; but this section shall not be construed to diminish the liability of directors as before declared. The *Insolvency*, insolvency of said corporation shall be deemed fraudulent unless its affairs shall appear upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents receiving compensation for their services are bound by law to observe; and it shall be incumbent on the directors and stockholders of

Commissioner
may be ap-
pointed by
General As-
sembly.

On report of
commissioner
sicre facias
may issue.

Evidence of
violation of
charter.

Public act.

Limitation.

the corporation, should the same become insolvent to *repel* by proof the presumption of fraud.

SEC. 19. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favourably for every beneficial purpose, and the corporation hereby created shall exist for the space of fifty years from the first day of January 1834, and no longer.

CHAPTER LXV.

An Act to alter and re-establish the charter of the town of Richmond.

[APPROVED JANUARY 31, 1834.]

Preamble.

WHEREAS, The corporate officers and other inhabitants of the town of Richmond, in the county of Wayne, have by their memorial represented that doubts are entertained of the present incorporation of said town, and that owing to the increase of the population of said town, and from various other causes, the existing acts of the legislature of this state, respecting the incorporation of towns, have been found and deemed incompetent to the good government and well being of the said town of Richmond, and by their petition prayed for redress in the premises.

SEC. 1. *Be it therefore enacted by the General Assembly of the State of Indiana,* That from and after the organization of the powers and authority hereinafter specified, the powers, rights, and privileges granted by the general acts of this state, (or arising therefrom) otherwise than hereinafter reserved, shall cease and determine, and the said town of Richmond be governed as follows:

SEC. 2. The said town shall be bounded as follows: Beginning at the cascade immediately below the breast of Leeds' and Jones' mill-dam on Whitewater, at the edge of low water mark; thence east one hundred and twenty-four perches; thence south one hundred and twenty perches; thence east ninety-two perches; thence south eighty-eight perches; thence west ninety-two perches; thence south one hundred and thirty perches; thence west one hundred and fifty-eight perches; thence south thirty-four perches; thence west forty-six perches, to the edge of Whitewater to low water mark; thence along Whitewater, keeping the low water mark of the same, to opposite the mouth of the west fork or Newman's creek; thence east thirty-eight perches; thence north fifty-two perches to the place of beginning: *Provided however,* that a majority of all the legal voters within the provisions of this act, may at any time hereafter

When the powers &c. granted by the general acts shall cease.

Boundary of corporation.

make such alterations in said bounds as they may deem expedient.

SEC. 3. All free white male citizens of this state of the age of twenty-one years and upwards, residing within the limits of the town, assessed for and having paid a town tax, shall be taken and deemed citizens therof, and shall enjoy all the rights and privileges arising under this act.

SEC. 4. The officers of the town shall consist of two burgesses, to wit: a first and a second burgess, thirteen members of council, one high constable, one treasurer, one clerk, one assessor, and such other officers as may be deemed necessary by the corporation to carry into effect the powers hereby granted: *Provided,* That no person shall be eligible to the office of burgess, member of council, treasurer, high constable or assessor, who shall not at the time of his election, be a citizen of this state, and a freeholder and resident in said town.

SEC. 5. That the said burgesses and borough council of the said town, and their successors, forever hereafter, shall be one body politic and corporate, in deed and in law, by the name and style of "The Burgesses and Borough Council of the Borough of Richmond," and by that description and name shall be, and are hereby made able and capable in law, to have, take, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, tenements, goods, chattels and effects, of what kind, nature, or quality soever; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, or any other place whatsoever; and also to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure; and generally shall have and enjoy all the privileges and franchises, incident to a corporation or body politic.

SEC. 6. The burgesses, members of council, high constable, treasurer, and assessor, shall be elected annually on the first Monday of May, except the first election under this act, which shall take place the tenth day after the adoption of this charter: *Provided,* it be adopted; and the officers elected at such first election, shall be and continue in office until the first Monday in May next succeeding, and no longer, unless re-elected.

SEC. 7. Any person duly elected to the office of burgess as aforesaid, who shall neglect or refuse to serve as such, within the said borough, shall forfeit and pay any sum not exceeding twenty dollars; and each and every person elected as aforesaid to the office of member of the council, who shall neglect or refuse to serve as such, shall forfeit and pay any sum not exceeding fifteen dollars: and each and every

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Recovered for the use of the borough.

Proviso.

Burgesses and council to constitute Legislative body.

Quorum.

Majority necessary to pass an ordinance.

And repeal an ordinance.

Ordinance publication of.

Majority of voices determine all questions.

Elections.

Burgesses their power.

May commit.

person elected to serve as high constable, treasurer, or assessor to the said borough, who shall neglect or refuse to perform the duties of the said respective offices, shall forfeit and pay any sum not exceeding ten dollars: and the amount of all fines accruing thereby, shall be recovered for the use of said borough, as other debts of like amount are recoverable in this state: *Provided*, That no person or persons shall be liable to a fine or fines, for any two years in succession, for neglect or refusal to serve in any of the offices aforesaid.

SEC. 8. The burgesses and members of council, shall constitute the legislative body for the said borough of Richmond, and shall be denominated when assembled, the "Borough Council." The sittings of this council shall be public. In this assembly, the first burgess, or in case of his absence, the second burgess shall preside and keep order, subject to such rules and regulations as may be established by ordinance of the borough council: nine members shall constitute a quorum, to do and transact all manner of business, arising under this act: *Provided*, That no ordinance shall pass the council, unless the same shall have the concurrence of a majority of all the members of the borough council, and have had at least two readings at a previous stated meeting or meetings thereof; nor shall any ordinance that may hereafter be passed by the said borough council, be repealed, unless notice shall have been given and entered upon the minutes of the council at a stated meeting thereof, that at the next succeeding stated meeting a motion would be made for the repeal thereof; nor shall any ordinance go into operation and take effect, until two weeks after the said ordinance shall be published in three at least of the most public places in said borough.

SEC. 9. A majority of voices in the council shall determine and decide upon all questions that may come before it; and when it shall be required by two members the yeas and nays shall be taken and entered upon the minutes; and all elections for any officer or officers shall be by ballot, and a majority of all the votes of the members of the council shall be necessary to an election.

SEC. 10. The burgesses of the said borough shall constitute the executive power thereof, and shall be, and they are hereby constituted conservators of the peace within the same, and authorized, empowered, and required to do and to execute all those matters and things in the said borough of Richmond, which justices of the peace in the said county of Wayne, may and can lawfully do; and shall further be invested with authority in all lawful cases of commitment, to commit persons guilty of a breach of the peace, to such place or places as may be provided by the borough, until they can be conveniently removed to the common jail

of the county; and in like manner on complaint made by any two house-keepers, they shall have power to disperse commit minors, or commit as aforesaid, any collection of minors who may be assembled by night or by day in any of the streets, lanes, or alleys in the said borough, unless they have with them the written permission of their parents, masters, or guardians, but such permission shall in no wise protect such minors from commitment and prosecution, for any overt act charged against them; and the said first burgess shall have the custody of the seal of the said borough, and the right of affixing the same.

SEC. 11. The borough council constituted as aforesaid, shall have power to enact ordinances to preserve the health of the borough, and to prevent the introduction of contagious diseases, or infectious diseases; and for this purpose their jurisdiction shall extend to any distance, within one mile of the same (of the boundaries of the same,) and by ordinance may organize a board of health for the said borough, which board shall be vested with all the powers and authorities which the council might or could exercise relative to the object of their institution; and the said borough council may pass ordinances to define, prevent, and remove nuisances (whether in the public streets, lanes, alleys, or elsewhere,) in the said borough; to provide night watches and erect lamps; to ascertain the boundaries of streets, lanes, and alleys, and establish new ones; to alter, repair, and amend all streets, lanes, and alleys within the said borough, making adequate compensation to the parties injured, to be ascertained by three men, or a majority of them, to be appointed by the Wayne circuit court, upon the application of the corporation, or of the party complaining: *Provided*, that nothing in this act shall be so construed as to authorize the widening or the location in anywise of the streets, lanes, and alleys now recorded in the clerk's office of the county of Wayne, and forming the present plat or plats of the town of Richmond aforesaid; to provide for the regulation of auctions and auctioneers; to provide for the safe keeping of standards of weights and measures, and for the infliction of penalties on those who use false weights or measures; to license, regulate, and restrain theatrical and other public exhibitions, shows and amusements; to restrain and prohibit gambling; to license retailers of spirituous liquors: *Provided*, the sum required by the borough council aforesaid, shall not exceed the amount which the board of county commissioners (or other persons doing the county business) are limited by the laws of this state to demand for license for the retailing of spirituous liquors in the said county of Wayne; to establish fire, hose and bucket companies; to fix and declare the weight of bread and size of

Disperse and
nors.

Keeping & af-
rough seal.

Powers of bor-
ough coun-
cil.

App't board of health.

Define and re-
move nu-
isances.

Night watch and lamps.

Regulation of streets and al-
leys.

Proviso.

Auctions.

Weights and measures.

Theatrical &
other shows.
Gambling.

Retailing of
spirits.

Fire comp's.
Bread, brick,

cordage of
wood, bark
&c.

Party walls.

Markets,
Sweeping
chimneys.
Pumps, &c.
Inspection of
flour, &c.
Hay, lime,
coal, &c.

Gunpowder,
&c.

Fining &c.,
vendors sp. li-
quors.

Fines on dogs

Tax on dogs.

Constables.

General pow-
ers.

Limitation of
penalty.

Penalties how
recovered.

How appro-
priated.

B. C. may e-
rect a prison.

brick; to regulate the cordage of wood and bark and declare and determine what may (of the same) be deemed merchantable; to appoint wood corders and establish their fees; to regulate party walls; to erect market houses, regulate the same and appoint the times and places of holding markets; to regulate the public sale of horses; to regulate the sweeping of chimnies and establish the rates; to erect pumps, or any other apparatus for supplying the borough with good and wholesome water; to repair and amend the same, and assess and receive a tax therefor; to appoint gaugers and inspectors of liquor, flour inspectors and inspectors of salted provisions, and inspectors and measurers of lumber, and to establish their fees; to provide for the weighing of hay, and for the measuring or weighing of lime, coal, grain or any other matter sold in the said borough; to regulate the storage of gunpowder or any other combustible matter; and the said council shall have the power of fining vendors of spirituous liquors when they illegally vend the same within the borough: *Provided*, that the penalty for each offence shall not exceed five dollars; they shall have power to lay and collect fines on the owner or owners, harbourer or harbourers of any dog or dogs, which may be found at large in any of the streets, lanes, or alleys of the said borough; they shall have power to assess and collect a tax on the owner or owners, harbourer or harbourers of a dog or dogs, in the said borough; they shall have the power to appoint and commission constables, who shall possess like powers within said borough, as are possessed by the constables of the aforesaid county of Wayne; and in general shall have power to do and perform all those matters and things, for the well being of the said borough which shall not be in contravention of any existing law or laws of this state, or the constitution thereof.

SEC. 12. The said borough council shall have full power and authority to enforce their ordinances in all cases whatsoever: *Provided*, that no fine, penalty, or forfeiture shall be inflicted on any one person for a breach of any one of their ordinances, for more than ten dollars (except a herein otherwise provided for,) for every time he or she shall so offend; which said penalties and all the fines, penalties, and forfeitures inflicted by the said borough, through, in, or by virtue of this charter, may be collected and recovered before any justice of the peace, for and in the said county of Wayne, by action of debt according to law; and the same when so recovered shall be appropriated to the use and benefit of the said borough of Richmond.

SEC. 13. The said borough council shall have power to erect a prison within its limits; and it shall be lawful to imprison therein persons convicted of offences against such

corporation, or the ordinances thereof, and against the penal laws of this state; and also persons charged with offences punishable by presentment or indictment temporarily until they can be conveniently removed to the county jail: *Provided*, that no person shall be confined in said borough jail for a term or period of time exceeding forty-eight hours; and the laws relating to county jails so far as the same are applicable shall be the laws regulating the borough prison aforesaid.

SEC. 14. Any person or persons duly convicted of the violation of any ordinance of the borough council aforesaid, and refusing to satisfy the amount of the penalty and costs for which judgment shall be rendered against him, by paying or replevying the same, shall be committed for forty-eight hours in the prison of the borough aforesaid, and such imprisonment shall not be deemed a satisfaction of such judgment and the amount of the same may be collected as other like judgments in civil cases are collected, such imprisonment to the contrary notwithstanding; and it shall be a part of the judgment for all violations of any ordinance of the borough aforesaid, that the person violating such ordinance shall immediately pay and satisfy or replevy the same, or shall in default thereof be committed to the said prison of the said borough for the term of forty-eight hours; and on all judgments for a violation of any ordinance of the said borough council, on good and sufficient security being given for the payment of the same, there shall be a stay of execution for sixty days: *Provided*, that nothing herein contained shall prohibit or prevent the first burgess or in case of his absence or inability to act the second burgess from discharging such person or persons so committed as aforesaid from the prison aforesaid, after such person or persons so committed as aforesaid, shall have remained in such prison twenty-four hours: *Provided also*, that any person or persons violating any ordinance of the borough council aforesaid [and duly convicted thereof may be discharged] upon giving his bond with security for double the amount of the judgment rendered against him to the justice rendering such judgment, such bond being made payable to the "burgesses or borough council of the borough of Richmond," conditioned that the said person so convicted as aforesaid, will within sixty days of the date of such judgment work out the amount of such judgment upon the streets, lanes, and alleys, in the said borough (as the proper authorities of the said borough may direct) at the rate of fifty cents per day, and in case the said person so convicted as aforesaid shall work out the amount of such judgment in accordance with the condition of said bond, he shall be forever discharged from such bond and judgment;

Persons con-
victed of a vi-
olation of or-
dinance, how
dealt with.

Imprisonment
no satisfa-
ction of judg-
ment.

Stay of exec-
ution.

Burgess may
discharge
from prison.

Convict may
commute and
give bond,

Condition of
bond.

Borough liable for costs.

Borough when not accountable for costs.

Re-arrest and commitment.

Annual meetings, to fix the amount of tax to be levied.

Assessor to list.

Assessment how made.

Assessment laid before council.

Published.

Court of appeals.

Notice.

rates how fixed.

and the borough aforesaid shall be liable for the costs of obtaining said judgment, and in case the person or persons so convicted, and giving bond as aforesaid, shall neglect or refuse to comply with the condition of said bond, so given as aforesaid, the bond shall be adjudged forfeited, and the penalty thereof shall be collected from the obligors as other debts of like amount are collected, by action of debt at the suit of the "Burgesse and Borough Council" of the said borough; and the said borough shall not be accountable for the costs of the said trial unless it receives the amount of said costs from the obligors, or either of them in said bond, and in addition to the liability of such person or persons (so convicted as aforesaid,) to such action on such bond, such convicted person or persons shall be liable to be arrested on such judgment, and committed to prison in like manner as though such bond had never been given.

Sec. 15. The said borough council shall meet on the first Tuesdays in May in each and every year, or within ten days of the same, and estimate and fix the sum or sums of money necessary to be raised on the persons or estates in said borough for the public uses of the year ensuing; and thereupon the first burgess, and in case of his absence or inability, the second burgess shall issue his precept counter-signed by the clerk of the council, directed to the assessor of the said borough, requiring him within sixty days thereof, (from the date thereof,) to make out a true and impartial list of all persons and estates within the limits of the said borough, together with the sum or sums of money in dollars and cents; it shall appear to him the said persons or property ought to be rated at; assessments on property shall be made according to the annual interest at six per centum, the several properties would probably produce on the amount, or the estimated value thereof if sold for ready money; and the said list and assessment shall be laid before the council to be examined, and being approved, a fair copy or copies thereof shall be made out by the council (or the clerk thereof,) and published for the information of all concerned, for at least two weeks previous to the time, then to be appointed for holding a court of appeals (of which notice shall be given as aforesaid) and the said council shall be, and they are hereby constituted a court of appeals for the hearing and redressing of such persons as may deem themselves aggrieved, with power in concurrence with the assessor, to assess such as may have been left off the list: *Provided*, notice thereof shall have been given to the person or the representative of an estate so assessed, so that he, she, or they may have an opportunity of appearing before the court of appeals; and after the said council shall hold a court of appeals as aforesaid, they shall estimate and fix

how many cents to the dollar will be necessary to raise the sum or sums of money so required as aforesaid, and the clerk shall thereupon make out or cause to be made out, a true list agreeably to the proceedings aforesaid, certify the same under his hand and the seal of the said borough, and deliver the same into the hands of the collector within ten days from the time the dollarage was laid as aforesaid, with an order under the hand of at least one of the said burgesses, and two of the said council (which they are hereby authorized to make) requiring the said collector forthwith to collect and receive the several sums in the said list mentioned, from the persons and estates assessed; and in case any person or persons so rated and assessed by virtue of this act, shall neglect or refuse to pay the sum or sums so assessed, for the space of six days after demand made, the said collector shall by a warrant, under the hand and seal, (or scrawl,) of one of the burgesses for that purpose, (which he is hereby authorized to grant) levy the same by distress and sale of the delinquent's goods and chattels, rendering the surplus (if any) after reasonable charges (to be affixed by the council aforesaid,) deducted to the owner or owners thereof; but if no distress can be found by the collector, and the party refuses to show said collector goods and chattels of his own forthwith, to satisfy the money due, with reasonable charges, [then] the said collector shall make return on oath or affirmation, of such want of goods and chattels, to the person to whom such warrant is returnable, and the said first or second burgess on such return being made, shall and may, by warrant under his hand and seal, commit the said delinquent to the common jail of the county aforesaid, there to remain until discharged by due course of law; or the same may be levied of the goods and chattels of any of the said delinquent's tenants (if any he or she may have) and the delinquent shall be obliged to discount the sum or sums so levied on the goods and chattels of such tenant or tenants, out of the first rent or rents that shall afterwards accrue from such rented estate or estates; and in case any grounds, buildings, or estates belonging to a minor or minors, or absent person or persons, then the same shall be recovered from the person or persons having the care of such grounds, buildings, or estate, and the receipt of such collector shall be a good voucher to all executors, administrators, guardians, trustees, attorneys, or agents, against their principal; and when any owner or owners of any grounds, buildings, or estate, or their executors, administrators, guardians, trustees, attorneys, or agents, cannot be found, and they shall neglect to pay the assessment as aforesaid, then it shall and may be lawful for either of the said burgesses to issue his warrant, authorizing

Clerk to certify list to collector.

Order for collecting taxes.

How collected.

Distress and sale.

When no distress found.

Return.

Burgess may commit.

Or the tax may be levied of the tenants.

Minors' or absentees' estates.

Agents not found, estate may be sold.

Money collected to be paid to treasurer.

No tax to be levied save on improvements or town lots.

High constable and other officers app'd by council—their duties.

Treasurer &c. to give bond and security.

Assessor.

Officers to take oath or affirmation.

Salaries of officers.

the said collector to levy the same on the grounds, buildings, or estate of such absent owner or owners, minor or minors, and the said collector is hereby authorized to sell the same at public auction, for the shortest space of time in which the rents and profits will satisfy the said debt and costs; all which said several sums of money, when collected, the said collector shall pay over without delay to the treasurer of the said borough: *Provided*, nothing herein contained shall authorize the assessor to assess or the collector to collect any tax or taxes upon any grounds in tillage, grass, vacant or wood, within the limits of the said borough, until the said grounds shall be improved by buildings, or laid off and offered for sale as town lots; and no town lots shall be laid off and offered for sale in the said borough (as town lots) until a plat of the same shall be recorded in the clerk's office of the county aforesaid, and a copy of said plat furnished the said borough council; this proviso in no wise affecting or relating to the town lots as at present laid off, and a plat thereof recorded in the office of the clerk of the said county.

SEC. 16. The high constable, and the officers appointed by the borough council, shall assist the burgesses in carrying into effect, the ordinances of the borough council, and shall perform such duties as are prescribed by this charter, and may be prescribed by ordinance or ordinances of the borough council.

SEC. 17. The trustees, [treasurer] of the said borough, shall give security in double the amount that may probably come into his hands, for the true and faithful performance of such duties as may be ordained; and all constables and collectors appointed under or by virtue of this charter, shall give bond and security, to be approved by the burgesses of the borough, for the faithful discharge of their duty.

SEC. 18. The assessor shall perform such duties other than those before mentioned, as may be by the said borough council be ordained for the better performance of the duties of his office.

SEC. 19. Every officer elected or appointed under this act of incorporation, before he enters upon the duties of his office, shall take an oath or affirmation, (before some person duly authorized to administer the same,) to support the constitution of the United States, and the constitution of the State of Indiana, and that he will perform the duties of the office unto which he hath been elected or appointed, with fidelity.

SEC. 20. The salaries, fees, or emoluments of the officers of this corporation, shall be established by ordinance: *Provided*, no salary, fee, or emolument of any officer shall be augmented or reduced, for or during the period of service for which he may have been elected or appointed; but no

ordinance establishing the salaries, fees, or emoluments of any elective officer, shall at any time take place and effect, previous to the annual election then next ensuing, and unless it shall have been published, with ays and nays thereon, at least two weeks before the said election.

SEC. 21. The borough council shall meet at least once a month, at such time and place, as may from time to time be agreed upon. Special meetings may be called by the 1st burgess upon his own motion, or shall be called when five members of the borough council may request or demand a meeting.

SEC. 22. In case of the death, absence, resignation, or refusal to act of either of the burgesses, any member of the burgess council, treasurer, or assessor, or either of them, the members of council who meet, shall have the right of appointing a president pro tempore; and the presiding member at a stated meeting or special meeting of the borough council, shall issue his writ by order of the borough council, to the high constable, or in case of his death, absence, resignation or refusal to act, to a high constable, to be appointed by the council to act pro tempore, requiring him to hold an election at the time and place therein specified, to fill up the vacancy or vacancies occasioned by such absence, death or deaths, [resignation or resignations,] refusal or refusals; and the said high constable shall give public notice, for at least two weeks previous to the time in said writ mentioned and appointed for holding such election, that an election will take place and be held at the time and place mentioned in said writ, for the purpose of filling up the vacancy or vacancies occasioned as aforesaid; which election shall be conducted as well as all elections, by the said high constable, and make returns thereof as may be directed by ordinance: *Provided*, That all elections shall be opened between the hours of ten and twelve o'clock in the forenoon, and closed at six o'clock in the afternoon of the same day.

SEC. 23. In all cases wherein the presence or act of the 1st burgess is demanded or required to do or perform any act, or duty or duties, or otherwise, when he shall neglect or refuse, or be incapable of attending to the same, his place shall be supplied by the 2d burgess; and in case of his refusal, neglect, or incapacity, by one of the members of the borough council, selected for that purpose by the said council, to act pro tempore, who shall exercise all and every the duties and powers of the 1st burgess, until one of the burgesses first elected, shall be able and willing to act, or a new election can be held as aforesaid.

SEC. 24. The 1st burgess shall be qualified into office by any justice of the peace of the said county of Wayne, and when thus qualified, shall within ten days after the time of

Notice of election.

Proviso, when opened and closed.

2d burgess may supply the place of 1st burgess.

Burgess pro tem.

1st burgess shall be qualified, & within ten days con-

vene council, such qualification, issue his writ, directed to the high constable, requiring him to summon the 2d burgess, the members of the borough council, the high constable, the treasurer, and the assessor, chosen at the late election, to be and appear at a certain time and place in the said writ mentioned, for the purpose of being qualified into their respective offices; and upon failure thereof, he or they so failing to attend as aforesaid, shall forfeit and pay such penalties as may by ordinance of the borough council be established; and the said burgesses, or either of them, (being qualified into office,) may and shall administer the necessary oath or oaths, affirmation or affirmations, (upon being thereunto required by the borough council,) to any of the other officers of the said corporation.

Sec. 25. All fines and forfeitures accruing, and penalties and imprisonments to be inflicted under this act, or by any ordinance of the said Borough of Richmond, may be recovered before, and inflicted and adjudged by either of the burgesses aforesaid, in the name of the said borough, any thing in this act contained to the contrary notwithstanding.

Sec. 26. In case it should happen that the election day should pass over without an election being held, or in case of the omission of the execution of any power or authority delegated by this act, the powers of this said corporation shall not cease, but the authority of each and every officer thereof shall continue until a new election can be legally held, by resolve of the council, and notice as aforesaid, and the officers chosen thereat duly qualified to act: *Provided*, at the first meeting of the council, a writ shall be directed to be issued as aforesaid in the cases of vacancies; but if it shall happen that the first burgess chosen as aforesaid, shall fail to present himself to a proper officer, to be duly qualified for a longer period of time than five days after his election as aforesaid, the Governor of the state of Indiana may, and shall appoint another suitable person in his room, who shall be invested with all the power and authority which the said first burgess, duly elected, might or could have exercised.

Sec. 27. *And be it further enacted by the authority aforesaid,* That all the powers, privileges, rights, and jurisdictions granted to the inhabitants of towns seeing proper to incorporate themselves under "an act providing for the incorporation of towns," approved February 10th, 1831, not hereby supplied, shall be, and the same are hereby extended and conferred upon the said "the burgesses and borough council of the borough of Richmond," and the said act approved February 10th, 1831, so far as its provisions relate (or might by a regular and legal incorporation of the said town of Richmond under said act relate,) to the said town

Burgess may qualify.

Fines and for. may be recovered before Burgess.

Election day passing over.

Corporate power shall not cease.

Gov. may appoint burgess.

Powers and privileges.

of Richmond, hereby amended or supplied so far as the same relates to the said town (or might as aforesaid relate) hereby amended or supplied, and no more, shall be, and they are hereby repealed, made null and void as to the said town of Richmond.

Sec. 28. *And be it further enacted,* That the first election held under this law, shall be held and conducted as may when and be directed by resolve of the present acting "president and trustees of the town of Richmond," (by the said acting president and trustees of the said town legally authorized to act as such, or the said town or inhabitants thereof legally incorporated under the said general "act providing for the incorporation of towns," approved the said February 10th, 1831 or not,) and a return of said election shall be made to the said acting "president and trustees of the said town of Richmond," as they may direct, and the said acting president and trustees shall immediately publish, or cause to be published the result of said election. And in all elections to be held by the citizens of the said town of Richmond, under and by virtue of this act, a plurality of votes shall govern, and the votes shall be given and received by vern. Votes in town election by ballot, and

Sec. 29. *And be it enacted,* That within sixty days after the passage of this act, a meeting of the citizens of the said town of Richmond shall be called, and this act or charter shall be submitted to the said meeting for their acceptance or rejection; and if it shall appear that a majority of said meeting is in favor of an acceptance of it, such acceptance shall be certified by the chairman and secretary of said meeting, and the said certificate shall be deposited in the office of the Secretary of State, and a copy of the said certificate shall be furnished the clerk of the said county of Wayne, whose duty it shall be to make a record of the same: *Provided*, that the concurrence of two thirds of the qualified voters of the said town of Richmond voting on the subject shall be necessary to an acceptance of this charter. Charter to be accepted or rejected how.

Sec. 30. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all courts, judges, and justices, and by all other persons whatsoever, without the same being specially pleaded. Certificate to be deposited in the office of the secretary of state.

Two thirds of qualified voters necessary to an acceptance of this act.

This act a public one.

INCORPORATION OF TOWNS.

CHAPTER LXVI.

An Act to Incorporate the town of Centreville, Wayne County, Indiana.

[APPROVED JANUARY 31, 1834.]

Trustees.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Martin M. Ray, John C. Kirby, Jesse Williams, Elijah Fisher, Daniel Strattan, Thomas Gentry, and Nelson Boon, be, and they are hereby appointed trustees of the corporation of said town of Centreville, to serve as such until the first Monday in March 1835, and until their successors are elected and qualified as hereinafter directed.

President.

SEC. 2. That the said trustees at their first meeting after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions, and upon an equal division of the board, give the casting vote, and at the close of each meeting shall sign the minutes of the same; and the said trustees shall also at said meeting appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

Officers.

Corporation created.

Name and powers.

SEC. 3. That the said president and trustees of said town, and their successors in office shall be, and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "the President and Trustees of the town of Centreville;" and by their corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, and shall have power to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, order, establish, and put into execution and effect such by-laws, rules, and ordinances necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the police, good government, and order of said town hereby incorporated, subject however to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state, or the constitution and laws of the United States.

Wards.

SEC. 4. That the said president and trustees or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first

INCORPORATION OF TOWNS.

Monday in March, A. D. 1834, and annually thereafter, there shall be an election held at some convenient place in said town, to be designated by the said president and trustees, to elect by ballot seven trustees for said corporation, at which election each white male inhabitant of said town who shall have the qualifications of a voter for state and county officers, and shall have resided within the bounds of the said corporation three months next preceding said election, shall be entitled to a vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by publishing the same in some newspaper printed in said town, (if there be one) otherwise by putting up written notices thereof in three of the most public places in said town, designating the time and place, when and where said elections are to be held.

Electio[n] of trustees.

SEC. 5. The president and trustees at their meeting preceding the annual elections shall appoint an inspector of all elections whose duty it shall be to attend the same, and call to his assistance two other qualified voters, who shall be judges of said elections, and they shall appoint two clerks of the same, all of whom after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of 10 o'clock A. M., and 4 o'clock P. M. on said day: *Provided* however, that if the said inspector shall not be present, the electors may choose one to act in his place at such election: *And provided also*, that if the electors should fail to meet, or the president and trustees fail to give notice of elect trustees any election, the corporation shall not thereby be dissolved, but the president and trustees then in office shall continue until others their successors are elected at an annual meeting of the electors.

Inspector &c.

SEC. 6. It shall be the duty of the inspector and judges of such election to certify under their hands and seals the inspector, &c. seven persons who receive the highest number of votes, which certificate shall be filed and put on record by the Duty of clerk clerk of the corporation, whose duty it shall be to deliver in reference a copy thereof to each of the seven persons returned, which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; in case of his absence at any meeting of the board they shall appoint a president pro tem. No person shall be eligible as a trustee unless he is a qualified elector, and also a freeholder, or householder within the bounds of the corporation. When vacancies

Meeting of trustees.

Trustees who.

Quorum.

Duty of president.

Clerk, treasurer and marshal.

Tax.

Powers of trustees,

happen by death, resignation, or otherwise, such vacancies shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act.

SEC. 7. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also to sign the records of all their by-laws, and journals or minutes of their proceedings; and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer, and marshal, each of whom shall serve one year, or until their successors shall be chosen and qualified; and they shall possess the same qualifications as trustees, take a similar oath, and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond, or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per cent. damages thereon, in any court having jurisdiction of the same, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property not to exceed one per cent. on its valuation, exclusive of improvements. And on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than three, nor more than ten dollars for each exhibition; and may levy a tax on any specific article, or articles of personal property; and in addition to the above, the said president and trustees may levy and collect a tax on real property not exceeding one half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president and trustees, for the purpose of purchasing a fire engine.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances, or decrees as may be necessary to guard against damages by fire; to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to en-

force by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town.

SEC. 10. The limits of the corporation shall extend to the plat of the town of Centreville, including the out lots, with any addition or additions, which have been or may hereafter be made thereto, as the same is, or may hereafter be entered of record, in the recorder's office of said Wayne county.

SEC. 11. The president and trustees shall in the month of April of each year, appoint a lister who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister; after which he shall proceed forthwith to make a fair list in alphabetical order of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots, or fractional lots, particularly noting the number and description thereof, the owner's name if known, and whether resident or non-resident. After having completed such assessment, he shall call to his assistance two freeholders who having been sworn faithfully and impartially to value the real property exclusive of improvements so listed, shall with the lister proceed to value the same, and such lister shall on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation of such list and assessment.

SEC. 12. The president and trustees shall in the month of May in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath, and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully pay over all moneys that may come into his hands as collector, to the treasurer of the corporation, or to such person as may be authorized to receive the same. Said collector shall hold his office one year unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable, with personal property, and with real property, with its valuation, setting forth the owner's name if known, the amount of tax chargeable to each person, and the amount charged on each article, and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained on such list to the treasurer. Such list so put into the hands of the collector, certified by the president, and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 14. It shall be the duty of the collector to receive

Duty of collector.

the amount of taxes due from each individual on or before the first day of July in each and every year, and to account and pay the same over to the treasurer immediately; and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said incorporated town.

Lots, when sold for tax, &c.

SEC. 15. In all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving twenty days notice of the time and place of such sale in some weekly newspaper published in said town, or by posting up five written notices in the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description, with the owner's name, if known, or the person's name [to] whom it is supposed to belong, and file one of said advertisements with the clerk of the said corporation, to be filed by him among the records of said corporation. The collector shall on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid including tax and costs, and that said purchaser will be entitled to receive a deed for the same at the end of two years, unless the owner, or some person for him, her, or them shall redeem the same on or before that time, by paying to said purchaser his, her, or their heirs, or assigns the amount of the purchase money, with one hundred per cent. thereon, or deposit the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting, which if correct shall be entered on record: *Provided however*, that nothing in this act shall be so construed as to contravene any of the provisions of "an act to provide a fund for common schools," approved Feb. 2d, 1832.

Proviso.

Deed, when and by whom to be made, &c.

Sec. 16. In case the owner of any lot or fractional lot so sold as aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector

then in office, to make a deed to the purchaser, his, her, or their heirs, or assigns, for such lot or fraction of lot; which deed acknowledged and recorded agreeably to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner or owners of any title thereto; and the assessment made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of such lot after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: *Provided*, That in all cases where lots are listed [and] the owners name not known, such sale shall be valid and good to the purchaser.

SEC. 17. The collector may adjourn his sale from day to day for three days, and if at the final adjournment of his sale at any time, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and costs shall remain as a lien upon such lot or lots, and shall be added to the next year's assessment, together with one hundred per cent. thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate, and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings, and the sales made, to the clerk of the corporation, on or before the first day of September annually, and pay over to the treasurer all moneys by him collected; at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 19. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, &c. with the shall be in the name of "the President and Trustees of the corporation, to be in the town of Centreville;" and all suits commenced for the benefit of the corporation, or where the corporation shall be name. defendant, shall be in the name of "the President and Trustees of the town of Centreville," without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by less quantity than one quart, except for the use of the sick, any spirituous liquors foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, or the board doing county business, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year or less, at one time, on his, her, or their paying into the treasury of the corporation, a sum not less than three, nor more

Penalty.

Laws &c. a-
gainst immo-
rality &c.Improvement
of streets.

than fifty dollars, at the discretion of the president and trustees of said town. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tipping house contrary to the provisions of this act, he, she, or they, so offending, shall upon conviction thereof, in an action of debt or on the case, brought by the president and trustees against the offender or offenders, before a justice of the peace, or any court having jurisdiction thereof, recover any sum of money not more than twenty, nor less than three dollars, for any violation of this section; and shall upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this act,) in any court of competent jurisdiction, be fined in any sum not more than fifty nor less than five dollars, for the use of the county treasurer. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal for that purpose, who shall take an oath of office and be a peace officer.

SEC. 21. Whenever the owners of any lots on any street or section of a street, shall be desirous of making any improvement on the same by grading, graveling, or paving said street or side walks thereof, or any other improvement on said street or side walks, two thirds of the owners of lots on said street or section of street by themselves, their tenants or occupants thereof, representing two thirds of the whole number of feet on each side of said street or section of street, or two thirds of the whole number of feet on one side of any side-walk, and shall by petition represent to the president and trustees of said incorporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner, agreeably to the wish of said petitioners. And the expense of such improvement shall be assessed and levied on all the lots fronting on said street or section of street, equal per foot for the distance such improvement may be intended to extend, which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record with the petitioners' names, the number of feet front owned or represented by each, and shall make out and deliver to

the collector of the corporation, a list of the owners' names, the number of feet front owned by each individual, the rate of expenses on each lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list signed by the president and certified by the clerk, shall be sufficient authority for said collector to proceed and collect the same; and if the owner or occupant of any lot or part of a lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same by sale of such lot or part of lot, or so much thereof as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act; and the right of redemption shall be the same as is provided by the fifteenth section of this law. And if any such lot or fraction of lot shall not sell for want of buyers or any other legal cause, the same may be re-offered by such collector from time to time, until the same shall be sold, adding the costs that may accrue at each time, for advertising, &c.; and the collector shall be entitled in addition to the costs of advertising, [to] the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate; *Fee for deed.* and for making a deed to any real estate sold under the provisions of this act, the collector making the same, shall be allowed fifty cents, and twenty-five cents for having the same acknowledged, to be paid by the person receiving said deed.

SEC. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published either in a newspaper printed in the town, or by setting up in three of the most public places in the corporation, written copies thereof, ten days before the same shall be in force. And it shall be the duty of the president and trustees in the month of March, in each and every year, to cause a full statement of all receipts and expenditures for the past year to be published, by posting up two copies thereof, in public places in the corporation, or by publishing the same in some newspaper printed in town.

This act shall take effect and be in force from and after its passage.

CHAPTER LXVII.

An act to incorporate the town of Lafayette.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS, The general act of the General Assembly of the State of Indiana, providing for the incorporation of towns,

Ordinances to
be published.

Receipts &c.
to be published
annually.

Preamble.

INCORPORATION OF TOWNS.

Corporation created.

Name.

Powers.

Wards.

Election of trustees.

Who shall vote.

Notice.

Inspector.

Judges and clerk.

under which the town of Lafayette in Tippecanoe county became incorporated, and the act amendatory thereto, have been found insufficient for the regulation and good government of said town;

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of the town of Lafayette, shall be, and the same are hereby declared to be a body corporate and politic, by the name and style of "The President and Trustees of the Town of Lafayette," and by said corporate name shall be forever able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of suit, action, plaintiffs, pleas, causes, matters and demands of whatsoever kind or nature they may be, in as full and effectual a manner as any person or persons, bodies corporate and politic may or can do.

Sec. 2. The said president and trustees shall have power to lay off said town into three wards; and on the first Monday in May next and annually thereafter, there shall be an election held at the court house or some other convenient place in said town, to elect by ballot nine trustees, the electors of each ward voting separately and distinctly for three trustees out of their own number from their several wards, at which election, each voter having the qualifications necessary to vote for state officers, who shall have resided six months within the limits of the corporation of said town, next preceding such election, shall be entitled to vote at said election: ten days notice of which election shall be given by the president or any of the trustees, by publishing the same in a newspaper printed in said town, or by posting notices thereof in three of the most public places in said town.

Sec. 3. The president of said corporation shall act as inspector of all incorporation elections, and if the president should from any of said elections be absent, the qualified voters present shall elect one of their own number to act as inspector. Said inspector shall select two qualified voters who, with himself, shall act as judges of said elections; they shall appoint a clerk, and having taken an oath or affirmation faithfully to discharge their respective duties as judges and clerks, shall proceed to receive votes for trustees, between the hours of ten o'clock A. M. and four P. M. on said days. It shall be the duty of said judges of said elections, to certify under their hands and seals the names of the nine persons who shall have received the highest number of votes, designating therein the ward they are elected to represent, which said certificate shall be filed and spread at length upon the records of said town by their clerk, which said certificate shall be sufficient authority for each person named therein to take his seat in the board of trustees; and

INCORPORATION OF TOWNS.

in case there should be a tie between any persons at any of said elections, the result shall be determined by lot.

Sec. 4. The trustees thus elected, or a majority of them, shall meet, and after taking an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their own body to preside as president, at all their meetings, but in case of his absence, a president pro tempore may be appointed. When vacancies happen by death, resignation or otherwise, such vacancies shall be filled by the appointment of the president and trustees, until the next annual election. A majority of said trustees shall at all times form a quorum; they shall meet on their own adjournments or by the appointment of the president or any three trustees, in cases of emergency; shall appoint all officers necessary to carry into effect the provisions of this act, and allow them such compensation for their services as to them may appear reasonable and proper. And it shall be the duty of the president to sign the records of all their by-laws and journals, which shall also be attested by the clerk of the corporation, and after a copy thereof of a public nature shall have been published in a newspaper printed in said town, or posted up in three of the most public places in said town, such law or ordinance shall be deemed to be in full force; all others to be in force from and after their passage and signed as aforesaid.

Sec. 5. If the electors should fail to meet and elect trustees at any annual election, the trustees then in office, shall so continue until others are elected at some subsequent annual meeting.

Sec. 6. The said president and board of trustees shall have power to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, order, establish, and put in execution such by-laws, ordinances, and regulations as to them may seem necessary for the good government and police of said town, not inconsistent with the laws of the United States or of this state; to keep in repair and remove any obstructions in the streets, alleys, and public square in said town; to prevent and remove nuisances of every kind; to restrain and prohibit gambling, or any disorderly conduct; to establish and regulate market houses and markets; to sink and keep in repair public wells; to construct docks, piles, and wharves; to erect new divisions of wards so as to keep them as near equal as convenient, and to enact such laws and regulations as may be necessary and proper to enjoy the powers herein conferred not inconsistent with the laws of the United States, or of Indiana.

Sec. 7. At the first meeting of the president and trustees after their election in each year, or as soon thereafter

President.

Vacancies.

Quorum.

Meetings.

Officers.

Ordinances.

Ec. when to take effect.

If trustees are not elected, old ones shall serve.

as may be convenient, they shall proceed to elect a clerk, treasurer, lister, and marshal, who shall take such an oath and give such bond to the president and trustees of said town, and perform such duties as may be required by the said president and trustees.

Sec. 8. The said president and board of trustees shall also have the power, in addition to the power now allowed them by the ninth section of the general act providing for the incorporation of towns, to assess and collect, at any time when necessary, special taxes for the pavement or other improvement of any street, side walk or section thereof, or of any public wharf or landing, which shall be made, under such directions, and in such manner as they may deem just and proper.

Sec. 9. It shall be the duty of said president and trustees, in the month of May in each year, to publish a statement of the receipts and expenditures of said corporation during the preceding year, to be affixed to the court-house door in said town.

Sec. 10. The said president and trustees shall be competent in law and equity to take to themselves and their successors in their corporate capacity, for the sole use of said corporation, any real or personal estate, and the same to dispose of in such manner as to them may seem most beneficial for the citizens of said town.

Sec. 11. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he shall be absent or interested in the same, in which case it shall be the duty of the president to appoint some person for that purpose, who shall have the same authority as the marshal in like case. In the discharge of his duties, the marshal shall observe the same rules and regulations as govern sheriffs or constables in similar cases.

Sec. 12. The president with the consent of any two of the trustees shall have the same power to issue process, and the marshal to serve the same, in any matter relating to any violation of the laws, ordinances, or orders of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace and constables have now, or may hereafter have, to carry into effect any process issued by virtue of any law of this state, and shall be entitled to receive, and authorized to demand and collect the same fees that are or shall be allowed to justices of the peace and constables for performing similar services; and the president when officiating as authorized in this section, shall keep a record of his proceedings, which record or a transcript thereof certified by him under his private seal shall be evidence in any court.

Sec. 13. It shall be the duty of the keeper of the jail of

Improvement
of streets, &c.

Receipts &c.
to be published.

Estate real
and personal.

Duty of Mar-
shal.

Power to is-
sue process,
&c.

Fees

Record.

Tippecanoe county, to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge, under the authority of said president, and to safely keep every such prisoner or prisoners according to the warrant or process of commitment until he, she, or they shall be discharged by due course of law.

Sec. 14. Should there be no president and trustees in office on the first Monday in May next, then in that event, point trustees the qualified voters of said town shall meet and appoint in a certain nine trustees according to the previous provisions of this act, who shall have and enjoy all the power and privileges conferred, and perform the same duties required by this act.

Sec. 15. Nothing in this act shall be construed so as to impair or lessen any of the powers now conferred upon the president and trustees of said town by the general act providing for the incorporation of towns.

Sec. 16. It shall not be lawful for any person or persons other than tavern-keepers within the bounds of said corporation, to sell by a less quantity than one quart at a time, ^{as to spirituous liquors, &c.} of spirituous liquors foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, obtain also a license from the corporation, which is hereby authorized to grant the same to such applicant or applicants for one year on his, her, or their paying into the treasury of the corporation a sum not exceeding thirty dollars, and not less than five dollars, at the discretion of the corporation. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they so offending shall, upon conviction thereof, upon presentment or indictment, or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty, nor less than five dollars for the use of the county seminary of said county: *Provided*, that nothing herein contained shall be construed to release tavern-keepers from any of the penalties, restrictions, or regulations provided by the general law now in force in relation to the incorporation of towns, and that providing for the license and regulation of taverns.

This act to be in force from and after its passage.

T

Proviso.

CHAPTER LXVIII.

An act to amend the act entitled, "an act to incorporate the town of Madison," approved February 4, 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees of the town of Madison be, and they are hereby authorized to levy a tax for general corporation purposes, on all the ground, lots, or blocks, lying between High street and the Ohio river in said town, under the same rules and restrictions as are provided for taxing property under the several laws now in force, relative to said incorporation.

SEC. 2. This act to be in force from and after its publication.

CHAPTER LXIX.

An act in addition to an act entitled, "an act to incorporate the town of New-Albany," approved February 3d, 1832.

[APPROVED DECEMBER 24, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled, "an act to incorporate the town of New-Albany," approved February 3d, 1832, be, and the same is hereby declared to be a public act, and shall be noticed and construed accordingly.

CHAPTER LXX.

An act supplemental to an act or acts, incorporating the borough of Vincennes.

[APPROVED JANUARY 27, 1834.]

Trustees.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That after the taking effect of this act, the qualified voters of the borough of Vincennes, at the annual election in each year, shall in the manner heretofore prescribed by law, elect for each ward two trustees, who shall assemble together and perform such duties as now are required by law.

Repeal.

SEC. 2. That the first sec. of the act entitled, "an act relative to the borough of Vincennes," approved January 26, 1831, and so much of any other act or acts now in force au-

thorizing the election of a greater number of trustees than is herein provided, be, and the same is hereby repealed.

SEC. 3. That from and after the first day of May next, it shall be the duty of the president and board of trustees of said borough, to cause to be retained out of all moneys arising from taxes assessed and collected by the authority of said borough in any way whatever, ten per cent. on the whole amount so collected, which per centage they shall cause to be funded yearly, and from year to year with the interest accruing thereon, until such time as it shall be sufficient to pay for a good fire engine with all necessary apparatus, and also to erect a house in which to keep the same: and it shall be their duty, when a sufficient sum is accumulated, to procure the same and cause a house to be erected, after which time this section of this act shall cease to be in force.

SEC. 4. This act to be in force from and after its publication in the Vincennes Gazette, a newspaper published in Vincennes.

CHAPTER LXXI.

An act to amend and revise the act entitled, "an act to incorporate the several townships in the county of Dearborn," approved February 7th, 1825, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That each and every township that now is, or hereafter may be organized in the counties of Dearborn and Switzerland, is hereby declared a body politic and corporate, and by the name of their incorporation may sue and be sued, plead and be impleaded, in any court having competent jurisdiction.

SEC. 2. That the qualified voters in each of the townships in said county, are hereby authorized and directed to meet in their respective townships on the first Monday in March annually, at their usual place of holding elections, and elect by ballot a clerk, treasurer, three trustees, and one or more constables, not exceeding three, who shall severally hold their offices for one year and until their successors shall be chosen and qualified agreeably to the provisions of this act; and every person elected or appointed agreeably to the provisions of this act, before they enter upon the duties herein enjoined upon them, shall severally take an oath or affirmation, to be administered by any justice of the peace of the proper county, truly, faithfully, and impartially to perform the duties of their said office as by law required.

Election of officers.

Lister.
Overseers of
the poor, &c.

Duty of clerk
&c.

Duty of super-
visors.

Duty of the
clerk of circuit
court.

Duty of town-
ship clerk.

Highway dis-
tricts.

SEC. 3. That the trustees at the first meeting after their election, and on or before the first Monday in May annually, shall appoint one lister, three overseers of the poor, two fence-viewers, and one overseer of high-ways for each highway district in the township, who shall severally hold their offices for one year and until their successors are chosen and qualified: and it shall be the duty of the township clerk, within five days thereafter, to make out certificates of such appointments, and hand the same to one of the constables of the proper township, whose duty it shall be to deliver the same to the persons so appointed, and make return of such service, noting the time it was made to the clerk aforesaid, which return shall be made within ten days from the time such notice shall have been placed in said constable's hands; and said clerk shall enter the same on the record book of his township, which record shall be deemed as good and sufficient evidence of the appointment of said officers, and of such service and return; and any clerk or constable failing to comply with the provisions of this section, shall forfeit and pay the sum of five dollars for each and every such offence, to be recovered by action of debt in the name of the township, before any justice of the peace having jurisdiction.

SEC. 4. It shall be the duty of each supervisor of highways, within ten days after receiving notice of his appointment as aforesaid, to make oath or affirmation before the township clerk, well and faithfully to perform the duties of his said office, which oath or affirmation said clerk is hereby authorized to administer, and any such supervisor failing to accept of said office, and failing to make oath or affirmation as aforesaid, shall forfeit and pay five dollars, to be recovered by action of debt, in the name of the township, before any justice of the peace having jurisdiction: *Provided*, no person shall be compelled to accept said appointment often than once in four years.

SEC. 5. That the clerk of the circuit court of said counties of Dearborn and Switzerland, shall make out a list of the names of all persons holding real estate in the several townships in said counties, whether by patent, deed, bond, or otherwise, and annex the amount of road tax charged thereon, and deliver the same to the clerk of the proper township on or before the first day of June, whose duty it shall be to make a list therefrom of all taxable property as aforesaid, lying within each supervisor's district of his township, and hand the same over to the proper supervisor, on or before the twenty-fifth of June annually.

SEC. 6. That the trustees shall have power to divide their respective townships into as many highway districts as they may deem necessary; which districts shall be desig-

nated and numbered in numerical order, and recorded by the clerk of the township. The trustees shall superintend, **Taxes.** take charge of, and contract all the pecuniary concerns of the township, and assess and direct the collection of such township taxes as may be necessary to defray the expense thereof; to designate one of the constables elected as aforesaid, or any other person as township collector, and direct the manner in which the duplicate shall be made, and the amount thereof; and the trustees shall be and they are hereby constituted commissioners of all roads and highways in their respective townships, and may appoint viewers to survey, lay out, open new roads, change and alter old ones, except such as may lead from one county seat to another, or established by legislative authority. The clerk shall be the **Collector.** **Trustees to be comm'rs of roads.** Inspector of elections.

SEC. 7. That whenever a vacancy shall occur in any of the aforesaid offices, the trustees shall fill such vacancy; and the trustees may at any time notify a meeting of the electors of their township on application of six freeholders of the township, which notice shall be posted up in four of the most public places in the township, at least ten days prior to such meeting, particularly specifying the object thereof; and no business shall be transacted at such meeting except such as may be set forth in the notice aforesaid.

SEC. 8. That the constables elected as aforesaid, shall before they enter upon the duties of their office, severally give bond and security to be approved by the trustees, in the sum of one thousand dollars, conditioned that they shall faithfully and impartially perform the duties required of them by law, which bond shall be made payable to the State of Indiana. The treasurer shall receive all moneys belonging to the township, and pay the same out to the order of the trustees, signed by the clerk, and not otherwise. The clerk shall keep a fair record of all the acts and proceedings of the trustees and each of the township meetings; and the constables and collectors shall have all the powers and be subject to and governed by the same laws as now exist relating to constables and collectors of taxes. The listers shall take the lists of their respective townships, and in the same manner as the listers for county and state purposes; and the trustees in assessing township taxes, shall be governed by the same regulations as the board doing county business now are, or may hereafter be in assessing county revenue; the duplicate to be made by the clerk and delivered to the collector as the trustees may direct.

SEC. 9. That in all cases where a prosecution shall be **Process.**

**Trustees how governed in assessing tax-
es.**

**Constables
and collector.**

Listers.

commenced against a township in the county aforesaid, a certified copy of the process shall be left by the officer serving the same with the township clerk, at least twenty days before the return day of such process; and the trustees shall have power to appoint an agent or attorney to prosecute or defend any suit, in which the township may be a party, or interested.

Officers, how governed.

Township meetings.

Compensation.

County treasurer shall be collector of revenue.

Deputies to be appointed in each township; their duties.

Further duty.

Compensation.

SEC. 10. That all the officers elected or appointed agreeably to the provisions of this act, shall in all respects be governed by the laws now, or which may hereafter be in force, regulating township and county officers, unless as is herein specially provided and directed; and all township meetings held agreeably to the provisions of this act, shall be opened at nine o'clock A. M. and closed as early as six o'clock P. M., and the consent of two of the trustees shall be sufficient to give validity to their acts.

SEC. 11. That the several township officers appointed by and under the authority of the trustees aforesaid, shall receive such compensation for their services as shall be adjudged by the trustees, reasonable and proper to be paid out of the township treasury as herein directed.

SEC. 12. That the person holding the office of treasurer of the said county of Dearborn and Switzerland, shall be the collector of the state and county revenue in such counties, and shall give bond, possess all the powers, and perform all the duties now required of and given to collectors of the state and county revenue, except as herein otherwise provided.

SEC. 13. That it shall be the duty of such treasurer to appoint one deputy collector in each township of said counties, whose duty it shall be to collect the state and county revenue in such township, and their appointment as such, under the hand of such treasurer, shall empower such township collectors to collect the aforesaid revenue in such township.

SEC. 14. That it shall be the duty of said township collectors, to pay over to said treasurer the amount of county taxes on or before the time now provided by law for the payment of the same into the county treasury, and shall also pay to said treasurer the said state taxes, on or before the fourth Monday in November in each year, and such treasurer shall transmit and pay the same into the state treasury on or before the time now provided by law.

SEC. 15. That as a compensation to said treasurer for the services herein required of him, he shall be entitled to retain two per cent. on the amount of state taxes; and the residue of the per centage now provided by law for the collection of state and county revenue, shall be retained by such township collectors in full for their services herein.

SEC. 16. That the said county treasurer shall have pow-

er to require of such township collectors such bonds and security for the performance of their duties as he may think proper, and may sustain an action thereon in his own name for a breach of the consideration thereof.

SEC. 17. The clerk of said counties shall make out and deliver to such treasurer a duplicate of the taxes of each township, in like manner, and within the same time he is now required by law to make and deliver them to other collectors, and such treasurer shall deliver the same to the township collectors within ten days after he shall so receive the same.

SEC. 18. That this act shall not be construed as to affect the mode of listing or assessing, or collecting the county or state revenue, except as herein expressly otherwise directed; and all laws and parts of laws now in force and coming within the purview of this act, so far as they may be applicable to the county of Dearborn, shall be and the same are hereby repealed.

CHAPTER LXXII.

An Act for the Inspection of certain articles therein enumerated.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the circuit court (in any county where it may be necessary) to appoint one gauger and inspector of domestic and foreign spirits, and linseed oil; one inspector of beef, pork, lard, and butter, who shall each have the power of appointing as many deputies to act under them as their respective duties in office may require; for the conduct of such deputy the principal shall be accountable and liable.

SEC. 2. That before any inspector or deputy inspector shall enter upon the duties of his office, he shall take an Oath or affirmation that he will faithfully and impartially execute the duties required of him by law; and each inspector shall moreover enter into bond, with sufficient security to be approved by the court, in such sum as the court may require, not less than three hundred, nor more than one thousand dollars, made payable to the state of Indiana, which bond shall be deposited in the office of the clerk of said court, conditioned for the faithful and impartial performance of the duties required of him by law.

SEC. 3. That any person who may think himself aggrieved or injured by the incapacity, neglect, or misconduct of such inspector, or his deputy, may institute a suit on a copy

Duplicates to be made out by clk of circuit court,

Inspector &c.
how appoint-
ed.

Bond.

of the bond certified by the clerk, for the use of the persons suing: *Provided*, that in case the party suing shall obtain judgment, he may have execution as in other cases; and the bond shall not become void on the first, or any subsequent judgment: *Provided also*, that suit be instituted within one year after the cause of action accrued.

Duty of inspectors.

SEC. 4. That it shall be the duty of the inspectors or their deputies, within their respective counties, to inspect (as the case may be) all linseed oil, foreign and domestic spirits, beef, pork, lard, and butter, if applied to for that purpose; and when inspected, stamp on the cask containing the same, with branding irons to be provided by the inspector for that purpose, the name of this state with the name of the county or town where inspected, also the kind and quality of the article inspected; which branding irons shall be made and lettered as may be directed by the circuit courts respectively; and every inspector shall make in a book, to be provided by him for that purpose, fair and distinct entries of all articles inspected by him or his deputies with the names of the persons for whom each article was inspected.

Dimension of barrels.

SEC. 5. That all barrels for beef or pork shall be made of sound well seasoned white oak timber clear of sap wood, twenty-nine inches in length when finished, with a cut head of seventeen and a half inches in diameter, tightly bound with strong hoops one third of the length thereof at each end, and when packed and headed up, the outward hoop on each end shall be secured with four nails of suitable size.

Rules for packing beef.

SEC. 6. That each barrel of beef or pork put up for exportation, shall contain two hundred pounds weight of sound, clean, well slaughtered meat, and such only as is well fattened, which shall be denominated as follows: "mess beef" shall be cut, as near as may be, into well formed pieces of ten pounds, so that twenty pieces shall make the weight, and shall be well assorted, excluding legs, leg rounds, necks, and shoulder clots; "prime beef" shall be cut in like manner, and shall be well assorted, but may include not exceeding two leg rounds, leaving out the point of the neck, and all clotted pieces; fifty pounds of fair clean salt, and four ounces of saltpetre shall be put into each barrel, and when the barrel is packed and headed, it shall be filled up with strong pickle.

Rules for packing pork.

SEC. 7. That each barrel of "prime pork" shall consist of twenty-five pieces, weighing eight pounds each, as near as may be, making two hundred pounds, which may include one head and a half, and six shanks excluding the legs, ears, and snouts, so as to be composed of the assorted meat of one hog, and a half hog: or in lieu thereof, three

shoulders, one head and a half, exclusive of the legs, snouts, and ears, and the remainder inside pieces; each barrel of "mess pork" shall consist of twenty-five pieces, of eight pounds weight each, as near as may be, making two hundred pounds of pork, taken from the middlings or sides of hogs, weighing upwards of two hundred pounds each; each barrel of "navy pork" shall consist of twenty-five pieces of eight pounds each as near as may be, making two hundred pounds of pork, assorted excluding all shanks and faces; no hogs to weigh less than one hundred and fifty pounds nett; the pieces of pork shall be packed on the edge with at least fifty pounds of clean fair salt, and two ounces of saltpetre to each barrel; and when thus packed and headed, each barrel shall be filled up with strong pickle.

SEC. 8. That all half barrels for beef or pork, shall be made of sound, well seasoned white oak timber clear of sap wood, twenty-four inches in length, with a cut head fourteen inches in diameter, bound with hoops one third the length of such half barrel at each end, the outward hoops thereof being secured with at least three nails of suitable size.

SEC. 9. That all butter and lard shall be packed in tight and well seasoned firkins or kegs, on each of which shall be marked with a marking iron, the tare and nett weight of the lard or butter therein contained, and the inspector or his deputy shall bore each firkin or keg of butter or lard, and by examining diagonally from one head to the other with a hollow instrument or searcher, so as to be able to discover the quality of the whole, ascertain that it be clear of mould, rancid, or rusty taste, in which case he shall brand the same, as is provided in the second section of this act.

SEC. 10. That all barrels or casks containing domestic spirits, shall be made of good well seasoned white oak timber, clear of sap wood, bound with not less than ten good and sufficient hoops.

SEC. 11. That it shall be the duty of each inspector of domestic spirits, appointed under the provisions of this act, to provide himself with the most common and approved instruments for ascertaining the capacity of a barrel or cask, and the quality or proof of spirituous liquor, and to keep the same in good order, and when called upon for that purpose shall immediately gauge or ascertain the capacity and contents of any barrel or cask, and quantity [quality] or proof thereof, and mark on such barrel or cask the true quality [quantity] the barrel or cask will contain in wine gallons, the amount of wastage, and the quality or proof of such domestic spirits, with the word "Indiana," and the name of the county or town where inspected; and such in-

Butter & lard
how packed
and inspect-
ed.

Barrels for
spirits.

Inspector
procure
guaging in-
struments &c.

INSPECTION.

spector shall make in a book, to be provided by him for that purpose, an entry of all domestic spirits inspected by him, and his deputies with the names of the persons for whom inspected.

Articles when to be condemned. SEC. 12. That if on view, the inspector or his deputy who shall be called upon for that purpose, shall find that any of the barrels, firkins, or kegs, heretofore mentioned, shall not be sufficient, and made in conformity to the provisions of this act, such inspector, or his deputy shall desist from any further inspection of the contents, and judge the same unmerchantable, and thereupon condemn, and brand or mark the said barrel or other cask accordingly: *Provided*, that nothing in this section contained shall be so construed as to prevent a repacking of such articles in proper and sufficient barrels and casks: and when done, may be inspected and passed if found good and merchantable, as in other cases under this act.

Inspector failing in his duty, penalty for. SEC. 13. That if any inspector or deputy inspector shall fail or neglect to do the duties annexed to his office, or shall be convicted of partiality, or of having acted contrary to the provisions of this act, he shall forfeit and pay for every such offence, a sum not exceeding fifty dollars, with costs of suit, to be recovered before any court having jurisdiction thereof, for the use of the county seminary, and shall moreover be liable to the party injured for damages.

May be removed by circuit court. SEC. 14. That the circuit court of the proper county shall have full power and authority on complaint, and sufficient cause shown, to remove from office any inspector appointed under the provisions of this act, or to fill any vacancy that may occur by death, removal, or otherwise.

Vacancy. SEC. 15. That if any person shall counterfeit the aforesaid brands or marks, or either of them, or shall impress such counterfeit brands or marks on any cask, barrel, firkin, or keg containing articles subject to inspection by this act, he, she, or they so offending, and being legally convicted thereof, shall be deemed guilty of forgery, and punished accordingly.

Certificate when given. SEC. 16. That the inspector in all cases where he may have condemned any of the articles in this act enumerated, shall forthwith on demand deliver to the owner or owners thereof, his or their agent, a certificate distinctly setting forth the time and place, and cause of such condemnation; and when the articles in this act enumerated, have been inspected, and declared of good quality and merchantable by any inspector, he shall, on demand as aforesaid, deliver a certificate thereof for the benefit of the owner or owners of such articles.

Fee. SEC. 17. That the inspectors to be appointed under this act shall receive the following fees for their services, name-

JUSTICES OF THE PEACE.

ly: for each barrel of domestic spirits five cents; for each firkin or keg of lard or butter three cents; for packing and inspecting each barrel of pork or beef twenty cents; for every half barrel fourteen cents.

Sec. 18. That if any inspector or deputy inspector shall demand or receive any greater sum than is provided in the foregoing section, or shall directly or indirectly purchase any article by him inspected and condemned as unfit for exportation, or in anywise unsaleable or unmerchantable, he shall forfeit and pay for every such offence a sum not exceeding fifty dollars, together with costs of suit, to be recovered before any court of competent jurisdiction for the use of the county seminary.

Repeal. SEC. 19. That so much of the act entitled "an act to provide for the inspection of salt, beef, and flour," approved January 24, 1829, as comes within the purview of this act, be, and the same is hereby repealed.

Sec. 20. This act to take effect and be in force from and after its passage.

CHAPTER LXXIII.

An act to amend an act entitled, "an act regulating the jurisdiction and duties of justices of the peace," approved February 10, 1831.

[APPROVED FEBRUARY 1, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That no person shall be bound to answer to any summons or other process issued by a justice of the peace, in the counties of Posey, Marion, Warren, Shelby, Montgomery, Clinton, Monroe, Tippecanoe, Clay, Owen, Hendricks, and Greene, under the act to which this is an amendment, in any civil suit in any other township than the one in which such defendant actually resides, unless there shall be no justice in such township who can legally issue such summons or other process, then in that case it shall be legal to commence such suit in the next nearest township in such county: *Provided*, That either plaintiff or defendant shall have the right of change of venue, as provided in the act to which this is an amendment.

Sec. 2. It shall not be lawful in said counties to arrest any person or persons in any civil suit, unless the plaintiff, his agent, or attorney, shall make affidavit that he believes if such person or persons be not arrested, he will be in danger of losing his, her, or their debt or demand; in which case the jurisdiction of justices shall be co-extensive with said counties in arresting the person or persons as is provided.

ed by the act to which this is an amendment, and the same proceedings had thereupon.

SEC. 3. This act to be in force from and after its publication in the said counties, any law, usage, or custom to the contrary notwithstanding: *Provided*, That this act shall not affect any contract made prior to this date.

CHAPTER LXXIV.

An act to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved 10th February, 1831.

[APPROVED FEBRUARY 1, 1834.]

Duty of justices relative to fines &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of each justice of the peace in this State, to make out and file in the office of the clerk of the circuit court, on the first day of each term of the circuit court of the county in which such justice resides, a list of all fines and penalties assessed by him, or collected of any individual whatever, for the preceding six months; and also a succinct statement in writing, of every case tried before him for any criminal offence or petit misdemeanor, specifying therein the name of such person tried, for what offence, when committed, and whether such trial resulted in an acquittal or conviction.

Duty of clk of C. court.

SEC. 2. It shall be the duty of the clerk in each county, at each term of the circuit court, to lay before the grand jury the said list of fines so returned by the justices.

Repeal.

SEC. 3. So much of any act or acts now in force in this State, as requires justices of the peace to make returns of fines at any other time, or in any other manner than herein provided, be, and the same is hereby repealed.

CHAPTER LXXV.

An act extending the jurisdiction of justices of the peace to fifty dollars in the actions of trespass and replevin.

[APPROVED FEBRUARY 1, 1834.]

Jurisdiction in replevin, trespass, and case.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, the jurisdiction of justices of the peace in this State, in the actions of replevin and trespass *vi et armis*, and on the case, shall be, and the same is hereby extended to fifty dollars, under the restrictions and limitation not inconsistent with the provision contained in

"an act regulating the jurisdiction and duties of justices of the peace," approved, February 10, 1831.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVI.

An act declaring the true intent and meaning of the law giving justices of the peace jurisdiction in cases where executors, administrators, and guardians are plaintiffs.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS, doubts have arisen as to the true construction of Preamble. the 4th section of the act entitled "an act to amend the act entitled, an act regulating the jurisdiction and duties of justices of the peace," approved February 2d, 1833, for remedy whereof,

Be it enacted by the General Assembly of the State of Indiana, That in all appeals taken by any executor, administrator, or guardian, from the judgment of any justice of the peace, the liability of any such executor, administrator, or guardian, for any costs, debt, or damages which may be adjudged against him or her on such appeal, shall be the same as if the suit had been originally instituted in such court; and the said court in entering up any such judgment upon such appeal, shall be governed by the same rules and usages that now regulate the liabilities of executors, administrators, and guardians in other cases.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVII.

An act to amend the act entitled, "an act regulating the jurisdiction and duties of justices of the peace," approved Feb. 10, 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the delivery of the docket and papers of suit not disposed of by a justice of the peace to another justice, according to the provisions of the sixty-third section of the act to which this is an amendment, shall not operate as a discontinuance of any suit or proceeding pending and undetermined thereon, but the justice to whom the same may be so delivered, shall proceed with such pending matter to final judgment or otherwise, in like manner as if the same were commenced or instituted before him: *Provided*, That either party upon

Day of trial.

Duty of such justice in attachment.

on notifying the adverse party, his agent or attorney thereof in writing, in any such undetermined case, shall move the justice to whom such docket and papers may have been delivered, within twenty days thereafter, to proceed thereon.

SEC. 2. On such motion being made before such justice, he shall fix the day and place of trial, or further proceedings in any such case, unless a longer time be granted by the justice, according to the provisions of the twenty-seventh section of the act to which this is an amendment; and in all cases of attachment, shall give notice and proceed thereon as if the same were commenced before him.

CHAPTER LXXVIII.

An act to provide for the election of a justice of the peace in the town of Pendleton.

[APPROVED JANUARY 30, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Madison county, be, and they are hereby authorized, at the next term of said board, or at any term of said board thereafter, to order one justice of the peace to be elected in the town of Pendleton, in the aforesaid county, in the same manner that they might have done or could do, if said town was incorporated: *Provided*, said board shall be of opinion that such additional justice of the peace would be necessary; any law in force to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER LXXIX.

An act to provide for the election of a justice of the peace in the town of Jentryville.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business for the county of Spencer, be, and they are hereby authorized, at the next March term of said board, or at any term of said board thereafter, to order one justice of the peace to be elected in the town of Jentryville, in Grass township, in said county, in addition to the two justices of the peace already appointed to said township, in the same manner that they might have done or could do, if said town was incorporated: *Provided*,

said board shall be of opinion that such additional justice of the peace would be necessary, any law in force to the contrary notwithstanding.

CHAPTER LXXX.

An act to provide for the election of a justice of the peace in the town of Gosport in Owen county, and Posey township in Franklin county.

[APPROVED JANUARY 6, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of Owen county, be, and they are hereby authorized at the next March term of said board thereafter, to order one justice of the peace to be elected in the town of Gosport, in Wayne township, in said county, in addition to the number of justices now appointed to said township, in the same manner they might have done or could do, if said town was incorporated; any law in force to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That the board doing county business in Franklin county, be, and they are hereby authorized to order an election for one additional justice of the peace in Posey township, in said county of Franklin.

CHAPTER LXXXI.

An act to provide for the printing of the laws of the present session of the General Assembly.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the secretary of state be, and he is hereby required to cause to be printed, all the acts passed at the present session of the General Assembly, in alphabetical order, and shall also make an index to the same at the end of the volume, and notes in the margin of the several laws.

SEC. 2. The said volume of laws shall be bound and lettered and distributed in the same manner that the laws of the last session of the General Assembly were bound, lettered and distributed, agreeably to the rules and regulations heretofore provided by law.

CHAPTER LXXXII.

An act to facilitate the business of the Legislature.

[APPROVED JANUARY 2, 1834.]

President of the Senate &c. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That after the organization of any General Assembly hereafter, the president of the Senate, speaker of the House of Representatives, and the several chairmen of the respective standing committees, in either branch of the Legislature, shall have power to administer oaths, and take affidavits and depositions, in all cases where the facility of legislative business may require it.

False swearing. SEC. 2. That in all cases where an oath shall be administered, as provided for by this act, the deponent or affiant shall be liable for false swearing, in the same manner as is provided in the twenty second section of the act entitled, "an act relative to crime and punishment."

CHAPTER LXXXIII.

An Act to Incorporate the Franklin County Library Company.

[APPROVED JANUARY 30, 1834.]

Corporation created. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John M. Johnston, George Holland, John Ryman, William McCleery, Richard Tyner, William B. Davis, Abner McCarty, Rufus Haymond, Robert John, and Nathan D. Gallion, and their associates, be, and they are hereby incorporated by the name of "the Franklin County Library Company," for the purpose of establishing and maintaining a library in the town of Brookville in Franklin county, Indiana, for the use of the members and stockholders of such incorporation.

Capital stock SEC. 2. The capital stock of said corporation shall be two thousand dollars, to be divided into shares of five dollars each; which stock shall be deemed to be personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation.

Officers. SEC. 3. The officers of said corporation shall consist of five trustees, to be annually elected by the members thereof, the owner or owners of each share at such election, to be entitled to one vote, and a treasurer, secretary, and librarian, who shall be appointed by said board of trustees, and hold their offices respectively during the pleasure of the board.

SEC. 4. John M. Johnston, George Holland, John Ryman, William McCleery, and Richard Tyner are hereby declared to be the first trustees of said corporation, and shall hold their offices until the first Monday in January A. D. 1835, and until others are elected in their place; and the said trustees and their successors shall have the control and management of the property and affairs of the said corporation, and may prescribe the duties and fix the compensation of the secretary, treasurer, and librarian thereof, and may impose such fines for the violation of the rules and regulations, and by-laws of said corporation as they may deem necessary, not inconsistent with the constitution and laws of this state.

SEC. 5. The annual election of trustees of the said corporation, shall be held on the first Monday of January, in each and every year, at such time of the day, and at such place in the said town of Brookville as shall be prescribed by the by-laws of said corporation; and the board of trustees for the time being, or a majority of them, shall preside at such election, determine the qualification of voters, receive the votes, and certify the result of such election; and the five persons being members of said corporation having the highest number of votes, shall be declared to be duly elected.

SEC. 6. The trustees elected under this act, shall enter upon the duties of their office within ten days from and after their election, and shall hold their offices until the next annual election, and until others shall be elected in their places. They shall elect from their number one person to be president of said board, who shall preside at all their meetings, and shall have only a casting vote in the decision of questions before said board, and in case of his absence or inability to act at any meeting of said board, the members thereof may appoint a president for the time being.

SEC. 7. The said board of trustees may meet for the transaction of business at such times and places in said town of Brookville as may be prescribed by the by-laws of said corporation, and at any such meeting a majority of the members of said board shall constitute a quorum for the transaction of business, and all vacancies occurring in said board previous to the annual election of trustees, by death, resignation, or otherwise, shall be filled for the remainder of the term, by the remaining members of the board.

SEC. 8. One share of the capital stock in said corporation shall entitle the owner and holder thereof to all the rights and privileges of a member of said corporation.

SEC. 9. The board of trustees shall have power annual.

W

Election of trustees.

Term.

President.

Vacancy.

Membership.

ly, to impose such tax upon the owners of the capital stock of said corporation as they shall judge best, not exceeding twenty-five cents per annum on each share; and they shall also have power to determine who shall be permitted to become members of the said corporation, by subscribing to, and paying in the capital stock thereof, and to fix the amount to be paid on each share, and when to be paid.

SEC. 10. The treasurer and librarian shall give such security to the said corporation for the faithful performance of their respective duties, as may be required by the by-laws of said corporation.

SEC. 11. In addition to the ordinary remedy by prosecution for the collection of any subscription made to the capital stock of said corporation, for any fine or tax imposed upon any member thereof, the said board of trustees shall have power by general by-law, to prescribe the time within which such subscription, fine, or tax shall be paid, and in case of the non-payment of the same within such time, such subscriber or member of such corporation shall cease to have any rights as a member thereof; and if the same shall remain unpaid for the space of one year, after the time prescribed for the payment thereof, then the capital stock of such subscriber or member, with all payments made on the same, shall be forfeited to, and vest in said corporation.

SEC. 12. This act shall be taken to be a public act, and shall be so construed in all courts of justice in and out of this state, and shall be in force from and after its passage.

Public act.

CHAPTER LXXXIV.

An Act to legalize the proceedings of the Trustees of the Decatur County Library.

[APPROVED FEBRUARY 1, 1834.]

Preamble.

WHEREAS it is represented to this General Assembly, that the sheriff of Decatur county, failed to give notice of an election for trustees of the Decatur county library, on the first Monday of September, 1833, the time when the term of service of the trustees of said library expired, consequently no election for trustees of said library was had on the said first Monday of September, 1833: For remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George S. McCoy, the acting president, and Ezra Lathrop, Junr., Thomas Piles, Zebina Warrener, Willard Cobb, Sevr., William B. Ewing, and D. Han-

Present trustees confirmed in their office.

way, acting trustees of the Decatur county library, shall be, and they are hereby confirmed in the office of president and trustees of the Decatur county library, until the first Monday of September, 1834, and until their successors be duly chosen and qualified, and that the said president and trustees, and their successors in office (which may be elected on the first Monday of September, in the year 1834, or on the first Monday of September in any subsequent year,) shall be deemed and taken to be the legal trustees of the Decatur county library, in the same way and manner as they would have been if the said George S. McCoy, Ezra Lathrop, Junr., Thomas Piles, Zebina Warrener, Willard Cobb, Sevr., William B. Ewing, and D. Hanway had been elected on the said first Monday of September, 1833, and that they and their successors in office shall be vested with all the powers, privileges, rights, and immunities, and subject to the same conditions and requisitions that they would be, if they had been elected on the first Monday of September, 1833, according to the statute of this state, entitled "an act for the incorporation of county libraries," approved February 9th, 1831, and that the said president and trustees, and their successors in office, are hereby declared to be lawfully incorporated under, and by the aforesaid statute, and that all elections for trustees of said library hereafter, be helden at the same time, in the same manner, and under the same restrictions and conditions, as if an election for trustees for said library had taken place on the first Monday of September, 1833.

SEC. 2. That all acts and proceedings of the above named president and trustees, and all persons who have heretofore exercised the office of trustee of said library, are hereby legalized and confirmed, and declared valid in law.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXV.

An Act to amend an act entitled "an act for the incorporation of County Libraries," approved February 9th, 1831.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That wherever trustees of the county library of any county, or their successors in office, have been or shall hereafter be elected, pursuant to any law of this state in force at the time, and their successors in office shall not have been, or shall not hereafter be elected and qualified as required by law, such trustees or successors first named,

shall hold their said offices and act as such until their successors are duly elected and qualified; and any act or acts of any such trustees or successors (first named) heretofore performed, (after the failure to elect and qualify their successors as aforesaid,) are hereby legalized and affirmed, to the same extent and in the same manner, as if those performing the same as aforesaid, were at the time of such performance legal trustees of such county library, and no further or otherwise.

CHAPTER LXXXVI.

An act to authorize and require the loaning of the library moneys of the county of Dubois, to the board of commissioners of said county.

[APPROVED FEBRUARY 1, 1834.]

Duty of county agent, &c. **SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the county agent of the county of Dubois, and the treasurer and librarian of the county library, formerly incorporated in said county, and they are hereby authorized and required to loan to the board of commissioners of said county, for county purposes, all moneys, both principal and interest, belonging to said library, within their or either of their control, at six per centum per annum interest, to be used and applied for county purposes, until the citizens of said county shall incorporate a county library company, and said company shall express a desire to lay out said moneys for the use of said library.

Loan to be recorded. **SEC. 2.** That the board of commissioners of said county, on the receipt of any loan as aforesaid, shall cause the same to be made a matter of record, in the record book of their proceedings, stating in words at full length the precise sum so received, and also the particular person from whom the same had been received.

County to be responsible. **SEC. 3.** And be it further enacted, That the amount of money so collected, borrowed or received by said commissioners, and recorded as aforesaid, shall constitute a legal obligation on said county of Dubois, and should said county refuse or neglect to refund said moneys and interest, at the rate of six per centum per annum, when the citizens of said county shall incorporate a county library as aforesaid, and said company express their desire to apply said moneys to library purposes, then and in that case, the said county library company, to be incorporated as aforesaid, shall have the right to commence suit in their corporate name, against said county, for the recovery of the same in any court of

competent jurisdiction, and to introduce the said records of said board of commissioners, as evidence of the amount of said loan, and of the obligation created by this act.

SEC. 4. That should said agent, treasurer, or librarian, neglect or refuse to comply with the duties enjoined on them by the first section of this act, the said board of commissioners are hereby authorized to commence suit against them or either of them, for all of said library moneys and the interest thereon, and to recover the same for the purposes aforesaid.

SEC. 5. All laws and parts of laws now in force, which come within the purview of this act, be, and the same are repealed.

This act to be in force and take effect from and after its passage.

CHAPTER LXXXVII.

An act giving to mechanics a lien upon buildings.

[APPROVED FEBRUARY 3, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That carpenters, joiners, brick and stone masons, plasterers, turners, painters, brickmakers, lumber merchants, and all others performing labour or furnishing materials for the construction or repair of any building within any town regularly laid out and recorded in this State, or within one half mile of the limits thereof, shall and may have a lien separately or jointly upon the building or buildings they may have constructed or repaired, or for which they may have furnished materials of any description, to the extent of the value of the labour done or materials furnished, or for both, where the amount due shall exceed thirty dollars.

SEC. 2. That any person or persons having a lien under this act, may enforce the same by filing a bill in chancery, in the circuit court of the county where the work was done or materials furnished, at any time within one year from the completion of the work or furnishing the materials. All the persons having a lien, may join in the bill against the employer; or one or more of them may file a bill against the employer and the other persons having a lien. Each claim shall be clearly and distinctly stated, and as clear and distinct an answer shall be made to the same. The court on the application of either party, may direct an issue to be made, and a jury called to try the same, as in other cases at law; and when the claim of each shall be ascertained, the court shall decree the amount against the owner of the building, and direct the house and the interest of the employer in the lot, to be sold, on a credit of not exceeding six

months, the payments to be made in such instalments as the court may direct; taking into consideration the interests of the parties, and the court in making up a decree upon the matters referred, shall award to each claimant the amount found due to him or them respectively, and the officer collecting the same shall pay over to the persons legally entitled to receive it, all moneys under the same regulations and liabilities as he is required to do under the laws regulating proceedings under execution in civil cases.

SEC. 3. The amount due the claimants, shall bear legal interest from the time the same shall have become due by the contract of the parties, and the purchaser of the property shall pay interest from the time of the sale. The court after all the claimants have been paid, shall direct the surplus, if any, to be paid over to the owner of the property; and should the proceeds of the sale be insufficient to pay all the claimants, then the court shall order each claimant to be paid in proportion to the amount respectively due each.

SEC. 4. In all proceedings commenced under this act, it shall be lawful for the defendant to file a bond with security to be approved of by the court, conditioned for the payment of the amount which may be found due, in payments, the longest of which shall not exceed six months, as the court may order, and release his property from the lien hereby created.

SEC. 5. That the complainant or complainants in any suit instituted under the provisions of this act, may proceed to the proof of their respective claims, immediately on the service of process; and any defendant or defendants claiming a lien, may proceed to the proof of their respective claims, immediately on filing their respective answers, asserting and specifying their claims. It shall not be necessary for a defendant or defendants, claiming a lien or relief against any complainant or co-defendant, to make their answer or answers a cross bill against the complainant or any of the co-defendants; but the assertion of any of their respective claims and liens, in their answers, with a prayer for the appropriate or general relief, shall be sufficient to authorize the court to enter the proper decree for relief against any of the complainants or defendants.

SEC. 6. That immediately on the service of the process in any suit instituted under the provisions of this act, any defendant or defendants shall have the right to file with the clerk of the county where suit has been instituted, his or their answer under oath; and the clerk shall endorse thereon the time of filing the same; and ten days shall be allowed the defendant or defendants, to file their answers, after the service of process. If process has been served ten days, the cause shall stand for trial at the first term of either a

Interest on
claims, &c.
Surplus.

Proceeds in-
sufficient divi-
dend among
claimants.

Property may
be released by
defendant fil-
ing bond.

Proof of
claims.

Court may
decree in fa-
vour of defen-
dant on his
answer.

Answers when
and how filed.

common law or chancery term; if not, then at the first sub-
sequent term, unless the parties agree to go into trial, waiving
the sufficiency of the notice. The court may, for good cause shewn, permit a continuance, and the defendant or defendants to file his or their answers, at any time before the trial of the cause, on such terms as they may deem equitable.

SEC. 7. The provisions of this act shall only extend to work done or materials furnished on new buildings, or to contracts entered into with the owner of any building for repairs, and not to any contract made with a tenant: and any person wishing to avail themselves of the provisions of this act, shall file in the recorder's office of the proper county, within sixty days after the debt becomes due, notice of their intention to hold a lien upon the property for the amount due him or them, specifically setting forth the amount claimed to be due, which the recorder is hereby required to record in his record book, and may charge for the same twenty-five cents for recording it.

SEC. 8. That any journeyman or labourer who may be employed in the construction or repairing of any building, or in furnishing any materials for the same, may give to the owner or owners of the building or buildings on which they may have worked, notice in writing, particularly setting forth the amount claimed to be due, and the service rendered, and that their employer is indebted to him or them, and [that] they hold said owner responsible for the same. The owner of the building or buildings, is hereby made liable for the amount so claimed, if indebted to the employer to the amount; if not, then to the amount due from him to said employer at the time notice was served, which may be recovered by action of assumpsit as other civil cases, before any court having jurisdiction.

CHAPTER LXXXVIII.

An Act authorizing Moses and Job Matthews and company to erect a dam across Little Pigeon creek, and for other purposes.

[APPROVED DECEMBER 28, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Moses and Job Matthews and company, their heirs and assigns, be, and they are hereby authorized to erect a mill dam across Little Pigeon creek at their mill seat thereon, below Steel Mill's mill, for the purpose of erecting grist and saw mills, and other machinery, under the restrictions hereafter mentioned.

Restrictions.

SEC. 2. That said Moses and Job Matthews and company, their heirs and assigns shall not raise said dam so high as to overflow the mill seat, mansion house, out house, garden, or land of any proprietor, without the consent of such proprietor, unless the said Moses or Job Matthews and company shall make application to the circuit court of the county where the mill house will stand for a writ of *ad quod damnum*, and pursue the law in such case provided; and the said court shall allow the said Moses and Job Matthews and company the benefit of an act entitled "an act allowing and regulating the writ of *ad quod damnum*," under like restrictions, and in the same manner as if said Little Pigeon creek had not been declared a navigable stream.

SEC. 3. That said Moses and Job Matthews and company, shall, before the erection of said mill dam, prove to the satisfaction of the several boards doing county business in the counties of Spencer and Warrick, that they have made such alterations in the state road leading from Princeton in Gibson county, to the Ohio river, opposite the Yellow Banks, as would become necessary by the erection of said mill dam, and that at their own expense they have made and caused said altered part to be put in as good repair on both sides of said Pigeon creek, as the said road now is—whereupon said alteration shall constitute a part of said state road, and the part of said state road so altered, may be vacated by the said boards in their discretion.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIX.

An Act to amend an act entitled "an act to quiet certain titles in Mount Vernon, and for the benefit of Thomas Givens," approved February 2d, 1833.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS by the act to which this is an amendment, the name of Jesse Y. Williams was inserted by mistake, instead of that of Jesse Y. Welborn: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the same effect shall be given to said act as if the name of Jesse Y. Welborn had been used wherever that of Jesse Y. Williams occurs.

Be it enacted by the General Assembly of the State of Indiana, That the same effect shall be given to said act as if the name of Jesse Y. Welborn had been used wherever that of Jesse Y. Williams occurs.

CHAPTER XC.

An Act to authorize writs of *Ne Exeat*.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State Writ may be granted on legal demand not due.* Indiana, That writs of *ne exeat* may hereafter be granted as well in cases where the debt or demand is not actually due, but exists fairly and bona fide in expectancy at the time of making application, as in cases where the demand is due; and it shall not be necessary to the granting of such writs of *ne exeat*, that the applicant should shew that his demand or debt is purely of an equitable character, and cognizable only before a court of equity.

SEC. 2. *In case of joint or joint and several obligors or debtors, if one or more of them be about to remove without the jurisdictional limits of this state, taking their property with them, leaving one or more co-obligors or debtors bound with them for the payment of any sum of money, or for the delivery of any article of property, or for the conveyance of land at a certain time, which time shall not have arrived at the time of such intended removal, such co-obligor or debtor who remains, shall be entitled on application to a writ of *ne exeat*, to compel the co-obligor or co-debtor who is about to remove, to secure the payment of his part of the sum to be paid, or of the delivery of the property, or to convey or to join in the conveyance of the land. Also in cases of security, the writ of *ne exeat* may issue on application of a security against the principal or co-surety, when the obligation or debt shall not yet be due, and the principal or surety is about to remove out of the state.*

SEC. 3. *No writ of *ne exeat* shall be granted but upon Bill and affidavit or petition (except as is now provided in the law relating to the jurisdiction of justices of the peace,) and affidavit to the truth of the allegation therein contained. Upon the granting of any such writ, the court or judge granting the same, shall endorse or cause to be endorsed on the bill or petition, in what penalty, bond or security shall be required of the defendant, and shall also before issuing said writ, take bond of the complainant, with good and sufficient security, in such sum as the said court or judge shall think proper, conditioned that the said complainant shall prosecute his bill or petition to effect; and that he will reimburse to [the] defendant such damages and costs as he shall wrongfully sustain by occasion of the said writ. If any such defendant to such writ of *ne exeat*, shall think himself aggrieved, he may bring suit on such bond; and if on*

In case of security against Principal.

Bill and affidavit.

Endorsement.

Bond of complainant.

Return of writ.

Service of the writ and bond of defendant.

Surety may surrender defendant in discharge.

Proceedings of the court on return of the writ.

trial it shall appear, that such writ of *ne exeat* was prayed for without just cause, the person aggrieved shall recover damages, to be assessed as in other cases on penal bonds. All writs of *ne exeat* shall be returnable into the circuit court of the proper county; and when granted by a judge or judges, may be issued by them or the presiding judge, or a direction may be [given] for the clerk to do the same, and take a bond as is above required.

SEC. 4. The writ of *ne exeat* shall contain a summons for the defendant to appear in the circuit court and answer to the said bill or petition, and upon the same being served upon the said defendant, he shall give bond with surety, in the sum endorsed on said writ, conditioned that he will not depart the state without leave of the said court, and that he will render himself in execution to answer any judgment or decree which the said court may render against him; and in default of giving such security, he may be committed to jail as in other cases for want of bail. No temporary departure of the defendant from the state, shall be considered as a breach of the condition of the said bond, if he shall return before personal appearance shall be necessary to answer or perform any judgment, order, or decree of said court.

SEC. 5. The surety in any bond for the defendant as aforesaid, may at any time before the said bond shall be forfeited, surrender the said defendant in exoneration of himself, in the same manner that bail may surrender their principal, and obtain the same discharge.

SEC. 6. On the return of the writ of *ne exeat*, if the same shall have been duly served, the court shall proceed thereon as in other cases of chancery, if the matters alleged in said bill be purely of an equitable character, and if the time of the performance of the duty or obligation of the defendant has expired, if not, then the proceedings shall be stayed until it has expired; but the court may nevertheless proceed to determine whether the said writ ought not to be quashed.

CHAPTER XCI.

An Act to amend "an act regulating the practice in suits at law," approved January 29, 1831.

[APPROVED FEBRUARY 3, 1834.]

Costs in actions of tort. SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That any action of tort, except the action of slander, of malicious prosecution, and of trespass, where

the title to real estate is brought in question, commenced in any circuit court, if the plaintiff do not recover five dollars in damages, he shall not recover more costs than damages.

SEC. 2. So much of the thirteenth section of the act to Provision re- which this an amendment, as relates to resident plaintiffs giving security for costs, shall be, and the same is hereby given security to give security for costs.

SEC. 3. That the plaintiff or plaintiffs in any action at law pending in any court, may file in vacation, or at any time before trial, a dismissal of such action in writing, with vacation, before the clerk of such court, who shall thereupon enter the same of record in the order-book of said court, which shall operate as a non-suit, and corresponding proceedings and judgment shall afterwards be had thereon before such court.

SEC. 4. When the defendant or defendants in such action, his, her, or their agent or attorney, shall become apprized of such dismissal by written notice from the plaintiff or plaintiffs, his, her, or their agent or attorney, or otherwise, such plaintiff or plaintiffs, shall not be liable for any costs afterwards occasioned in such action, by any other person, than such plaintiff or plaintiffs.

SEC. 5. After such dismissal is so entered of record, no suit subsequently brought, in whole or in part, for the same cause of action, shall be abated by reason of the constitution [institution] or pendency of such dismissed action, but the defendant or defendants in such subsequent action (if the same be bailable) may be again held in custody therein until discharged by entering bail; and the parties in such subsequent action, shall be subject and entitled to the same liabilities, regulations, rights, and privileges without increase or diminution, as if no such previous action had ever been instituted or pending.

This act to take effect and be in force from and after its passage.

CHAPTER XCII

An Act to amend an act entitled "an act to provide for the appointment of a circuit prosecutor, and defining his duty," approved January the 20th 1831.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That if any prosecutor shall fail to attend the Court to a regular term of any circuit court within the circuit for which he was elected it shall be the duty of the court to ap-

Compensa-
tion.

point some person to do and discharge the duties of prosecutor during the term, and to make and allow such person a reasonable compensation for discharging said duties, which allowance shall be entered in the order book of said court.

How paid,

Sec. 2. And it shall be the duty of the clerk of the court to make out a copy of such appointment, together with the order for compensation, and certify the same under his hand, and affix thereto the seal of the county; and the same upon being presented to the auditor of the State, shall be by him audited, and the amount of such allowance paid out of the state treasury.

An't to be
charged to re-
gular prosecu-
tor.

Sec. 3. And it shall be the duty of the treasurer, upon the payment of any such allowance, to charge the amount so paid, to the account of the regular prosecutor of the circuit in which it was made, and to retain said amount out of the annual salary of such prosecutor.

Repeal.

Sec. 4. So much of the act to which this is an amendment as comes within the purview of this act, be, and the same is hereby repealed.

This act to be in force from and after its publication in the Indiana Journal or Democrat.

CHAPTER XCIII.

An act amendatory of an act entitled, "an act declaring Busserv creek, a public highway," approved January 21st, 1826.

[APPROVED FEBRUARY 1, 1834.]

Com'r's, their
powers & du-
ties.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That John H. Eaton and Jacob Wolf of Sullivan, and William Harper of Knox county, be, and they are hereby appointed commissioners, with full powers to view, locate, alter and change the route of Busserv creek, in order to improve the navigation of said creek by improving the present channel, and to change the same, so as to form a junction with the Wabash river at any point they may think best; said improvement to be made from Eaton's mill to the Wabash river; to collect subscriptions and donations made for the purpose before mentioned.

Further duty.

Liability of
com'r's.

Sec. 2. It is hereby made the duty of said commissioners, to apply all moneys within one year after receiving the same, as a majority may think best; and on failing so to do, all persons who may have paid said commissioners money or other articles of value, may recover the same by action of debt, against such commissioners in any court having competent jurisdiction.

Sec. 3. That the said commissioners shall be allowed compensation out of any moneys appropriated as before mentioned, one dollar per day each, for every day they may be necessarily employed in forwarding the said improvement.

Sec. 4. In case of death, removal, or refusal to serve of any Vacancy, of the individuals appointed as commissioners in the first section of this act, it shall be the duty of the board doing county business in the proper county, to fill such vacancies.

Sec. 5. That if in the prosecution of the before mentioned improvements, any person or persons shall feel themselves aggrieved by the same, such person or persons, as the case may be, shall have recourse by law as provided by the seventh and eighth sections of an act, approved February 10th, 1831, for opening and repairing public roads and highways; the cost and damages, if any assessed, shall be paid out of the funds before mentioned; and if no damages be assessed, the costs to be paid by the person making application.

This act to be in force from and after its passage.

CHAPTER XCIV.

An Act to declare White Creek navigable.

[APPROVED FEBRUARY 1, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of White creek, as lies between its junction with the East Fork of White River, and the junction of the first principal forks of said creek, north of the county line dividing the counties of Jackson and Bartholomew, be, and the same is hereby declared to be a public highway of the State.

Sec. 2. Any bridges and mill dams which may be built across said creek, shall be so constructed as not to obstruct or materially affect the descending navigation thereof; and mill dams otherwise too high for the navigation of said creek, shall be made or constructed with locks or slopes, so as to secure the safety of such navigation.

This act to take effect and be in force from and after its publication.

CHAPTER XCV.

An Act to authorize the transfer and conveyance of certain real estate therein named.

[APPROVED, FEBRUARY 1, 1834.]

Tract to be
conveyed.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That David H. Maxwell and John Ketcham be, and they are hereby vested with full power and authority to sell and convey the north-east quarter of section eighteen, in township nine, north of range two west, in the Vincennes land district, and that the purchase money for said land shall be loaned at interest or vested in other lands for the use and benefit of John and William Somerville; and any deed made by the above mentioned trustees, shall be valid in law: *Provided nevertheless*, That the said trustees shall not sell the aforesaid tract of land for a less sum than four hundred dollars.

Oath of
trustees and their
duty.

SEC. 2. That the said trustees before entering upon the discharge of any of the duties and powers vested in them by virtue of this act, shall take an oath or affirmation faithfully and impartially to discharge the duties of the trust hereby committed to them, and for any fraudulent violation of the same, shall be liable to the aforesaid John and William Somerville for any damages sustained thereby, and it shall be their duty to loan out said money accruing upon the sale of said tract of land, if the same can be done by them; and they shall take good freehold security for the same, or if the purchase money should be by said trustees vested in other lands, then the deed or patent shall be taken in the name of the aforesaid John and William Somerville.

This act to be in force from and after its passage.

CHAPTER XCVI.

An Act to authorize the recorder of Sullivan county, to record a town plat therein named.

[APPROVED JANUARY 13, 1834.]

Preamble.

WHEREAS, it is represented to this General Assembly, that the late James Hughes, of Louisville, Kentucky, did, in the year 1831, lay off an addition to the town plat of Merom, Sullivan county, and State of Indiana, who failed to have the same recorded, as is provided in such cases; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the legal representative of the estate of James

Hughes deceased, be authorized to have the original plat of said addition to the town of Merom, recorded on the records of said county; and that it be the duty of the recorder of the county of Sullivan to enter of record the plat of said Hughes, deceased, whenever the legal representative may present the same for record.

This act to be in force from and after its passage.

CHAPTER XCVII.

An Act to amend an act entitled, "an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county," approved, December 26, 1832.

[APPROVED JANUARY 8, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John G. Davis, clerk of the Parke circuit court, is hereby authorized to carry into effect all the provisions of the above named act, (as fully as the commissioner therein named is authorized to do) except that the said John G. Davis shall be his own clerk, and shall do and perform all the duties that said act requires of the clerk therein mentioned.

SEC. 2. Said John G. Davis shall receive as a compensation for his services hereby required, for taking the necessary proof of each deed, and for recording the same, one dollar, and for other services the fees that are allowed clerks of the circuit courts in civil cases, to be paid by the person making application for such services.

SEC. 3. That so much of said act as requires the county of Parke to pay for the services of the commissioner and clerk aforesaid, be, and the same is hereby repealed.

This act to be in force from and after its publication in the Wabash Herald, a weekly newspaper printed and published in Rockville, Parke county, Indiana.

CHAPTER XCVIII.

An Act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county.

[APPROVED, DECEMBER 27, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of perpetuating testimony concerning of, or relating to any patents, deeds, bills of sale, *Be appointed commissioner*

Clerk. to perpetuate wills, inventories, powers of attorney, or other instruments of writing, which were destroyed by the burning of the clerk's office of Spencer county. Samuel Frisbie of Perry county, he, and he is hereby appointed a commissioner, to receive and admit to record, all evidence offered by any person concerning of, or relating to any patents, deeds, bills of sale, powers of attorney, wills, inventories, or other instruments of writing lost or destroyed as aforesaid. The said commissioner is hereby authorized to open a court in the town of Rockport, on the second Monday in March next, and William Bennett, is hereby appointed clerk of said court, whose duty it shall be, as clerk as aforesaid, to keep a journal of the proceedings of said court, and enter upon record, in a book or books to be kept for that purpose, all evidence or testimony presented to said court concerning any patent, deed, bill of sale, will, power of attorney, inventory, or other instrument of writing, by any person who may wish to have such testimony perpetuated: *Provided, however,* That no testimony shall be received concerning of, or relating to any of the above named instruments of writing, until the person offering such testimony, shall prove to the satisfaction of said court, by his or her affidavit, or the affidavit of some other person, that such instrument of writing is lost or destroyed: *Provided also,* That said commissioner and his clerk, before they enter upon their official duties, shall take an oath before some person duly authorized to administer oaths, faithfully and impartially to discharge their duties according to law.

Oath of Comm'r & Clerk.

Sessions of the Court.

SEC. 2. The said commissioner at his first sitting is hereby authorized to hold his session for two weeks, if the business shall so long require it, and then shall adjourn until the third Monday in June, at which time he shall hold his session for one week, if the business shall so long require it; after which he shall hold two other terms of one week each, should the business require it, the one to commence on the second Monday in November next, and the other to commence on the first Monday in February, in the year 1835: *Provided also,* That said commissioner shall, previous to his first session, give notice of the time and place of his sitting, by publishing the same for three weeks successively in the Western Sun, a newspaper printed at Vincennes, or in such other newspaper within this state, as he may select.

Powers of Comm'r.

Sheriff of Spencer c'ty.

SEC. 3. Said commissioner is hereby vested with all the authority necessary to carry into effect the provisions of this act, to administer oaths, issue subpoenas, and compel the attendance of witnesses under the same penalties that they are compelled to attend when subpoenas issue from the circuit court. And the sheriff of Spencer county is hereby made an officer of said court, and is required to execute all

process that may issue from it, for which he shall be entitled to the same fees as are allowed by law for similar services for executing process issued from the circuit court; which fees shall be taxed by said commissioner, and collected from the party requiring such services, as other fees are now collected by law.

SEC. 4. If any person shall produce any patent, deed, bill of sale, power of attorney, inventory, or any other instrument of writing, duly executed with the endorsement of the present, or any former recorder of the county of Spencer, that the same had been duly recorded in the records of said county, such patent, deed, bill of sale, inventory, power of attorney, or other instruments of writing, with all the official endorsements thereon, shall be entered at full length, in the book kept for that purpose; and any paper or writing which shall be presented to said commissioner and proved to be a correct copy of any patent, deed, bill of sale, will, inventory, power of attorney, or other instrument of writing that has been lost or destroyed as aforesaid, shall be entered on record at full length, with the testimony relating thereto; and if the witness or witnesses to any such copy of any writing so lost or destroyed, are dead or cannot be had, the person or persons interested therein may produce other testimony in support of his, her, or their claim; and the testimony so produced, shall be received and recorded as aforesaid.

SEC. 5. The records of said commissioner or copies thereof, or any part thereof, certified by his clerk, or any person duly authorized by law to give certified copies of such record, shall be read in evidence in any court in this state, at any time when circumstances require it. Record of this court to be evidence.

SEC. 6. All testimony relating to probate business, shall be recorded in a book separate from other testimony authorized by this act to be recorded, and all copies of wills, and other papers relating to decedent's estates, whether testate or intestate, shall be recorded in such book; and at the close of the business of said commissioner, he shall certify such records to be true copies of the testimony produced to him, which shall be tested by the clerk, and deposited with the court of probate; and the balance of his proceedings and records shall be certified in like manner, and deposited with the recorder of the county, to be kept in his office, for the benefit of all concerned. Probate business.

SEC. 7. Said commissioner and clerk shall continue in office one year, and if any vacancy should occur, the board of commissioners &c. doing county business in said county shall appoint some fit person to fill the same; and in case said commissioner or Vacancy. clerk shall refuse to qualify and perform the duties required of them by this act, said board of county commissioners

shall at their first meeting, appoint some fit person to discharge the same.

Copies of wills &c. to be recorded.

Executors &c. to file new bonds.

Failure to file bond, effect of

Proviso.

Compensation of com' & clerk.

Expenses to be paid by the county.

Witnesses p'd by parties.

Spencer circuit court,

Sec. 8. Certified copies of all wills and letters testamentary, and letters of administration, shall be admitted to record at full length, together with all authenticated vouchers and settlements of decedents' estates, together with all testimony relating thereto; and all executors, administrators and guardians, whose bonds have been destroyed, are hereby required to file new bonds with security, to be approved of by the probate court, within three months from the time of the taking effect of this act; and until such bond is filed, no such executor, administrator or guardian, shall be authorized to transact business by virtue of his, her, or their appointment as such; and should no bond be filed before

the expiration of three months, as above, then such executor, administrator or guardian, shall be considered as having resigned such appointment, and the court of probate shall proceed to appoint others in the same manner, as if a resignation, or voluntary refusal to act, had been formally made; and the person last appointed may, in a reasonable time, compel such persons so neglecting to comply with the provisions of this act, to settle and account for all money or other articles of value that have come into his hands as executor, administrator or guardian: *Provided however*, if any such executor, administrator or guardian, is not a resident of this state, or is absent, the court may then give such further time to comply as above, as they shall deem reasonable.

Sec. 9. The commissioner aforesaid shall receive two dollars per day, for each day he shall be necessarily employed in attending to his duty as commissioner: and the clerk shall for his services receive the sum of two dollars per day for each day he shall be necessarily employed in performing the duties of his said office as clerk; and all expenses of books, stationary, paper &c., of every description, and the pay of said commissioner and clerk, shall be paid out of the county treasury; and it is hereby made the duty of the board of commissioners, or other persons authorized to do county business for the said county of Spencer, to allow the same on their presenting their accounts. The commissioner shall have his account certified by the clerk, and the clerk shall have his account certified by the commissioner, which accounts so certified and allowed, shall be paid out of the county treasury as other accounts are paid. The parties concerned shall pay their own witnesses, at the same rate that witnesses are paid for attending the circuit court; and also the sheriff's fees, if any.

Sec. 10. The Spencer circuit court in term time, is hereby authorized and required, on motion of any person, by

himself, herself, or themselves, or his, her, or their attorney, on satisfactory evidence being produced, that he, she or they, (as the case may be,) have a judgment in said court, the records of which have been destroyed or burnt, to cause such judgment to be re-entered and recorded as of the former date; and the legal representatives of any person or persons deceased, may in like manner, on like proof being produced, that his, her, or their decedent had a judgment in said court, the record of which has been destroyed or burnt, have the judgment re-entered in favour of said deceased as of a former date; and such judgment when so entered, shall continue to have all the lien, and to have all the effect that it could have had if the record had never been destroyed or burnt: *Provided however*, That the judgment debtor shall have at least ten days notice previous, of such intended motion, by leaving with him, her or them, or at his, her or their usual place of abode, a written notice of such intended motion, a copy of which shall be presented in court, if required, and proof made that it is a true copy of the notice left with such judgment debtor or his legal representative, or at his, her or their usual place of abode. But if such judgment debtor or his representative, is not a resident of this state, it shall be sufficient to give four weeks notice previous, in a newspaper in said county, or if no newspaper be published in said county, then in some newspaper published most convenient thereto, within this state; and if execution has been issued on such judgment, and the facts relating thereto can be proved to the satisfaction of the court, by any officer who either issued, or acted on the same, and if such execution and the return thereon have been destroyed, the parties or either of them, shall be permitted to prove the issuing and service of such execution and the return made thereon, and have the same made a matter of record; and the same process shall be issued in favour of the judgment creditor on such judgment, execution and return that he would have been entitled to, had such execution and return not been destroyed, and the court on hearing the evidence, shall determine what process such judgment creditor shall be entitled to; but should the judgment debtor or the opposite party deny the existence of such judgment, so alleged against him, he shall be entitled to a jury to determine the fact, and the jury shall bring in a verdict according to evidence.

Sec. 11. In all cases where suit has been brought, or may hereafter be brought in any court on any judgment, the record of which has been destroyed as aforesaid, either by action at law, or bill in equity, it shall be lawful for the defendant, to deny the fact of such burning by a proper plea, and shall be determined by a jury as other pleas are tried, Fact of the
burning of a
record to be
tried by a jury

RELIEF.

Clerk &c. allowed the action of debt and assumpsit for fees &c.

Proviso.

Revised code &c. to be furnished.

and if the fact of the destruction of the records be clearly proven, it shall not be necessary to prove the precise amount of the judgment, interest and cost, the records of which have been destroyed as aforesaid, but the jury shall bring in their verdict for such an amount as shall be proven, including interest and cost; and the clerk and recorder of said county, as well as all other officers, and persons who may have fees due them, the collection of which might have been coerced by fee bills or otherwise, had not said records been destroyed, and the present and former collectors of the state and county revenue, who may have debts due them, the evidence of which has been destroyed as aforesaid, which might have been collected by distress and sale of property, are hereby allowed the actions of debt and assumpsit for the collection of the same, in the same manner that other debts are now by law collected: *Provided however, That no stay of execution shall be allowed in such cases where judgment shall be obtained for fees which have heretofore been stayed, if such stay shall have expired.*

SEC. 12. That said county of Spencer is hereby allowed twelve copies of the revised code of 1831, and six copies of the acts of the General Assembly for each subsequent year, to be furnished by the secretary of state, and to be delivered to the clerk of said county at the same time and under the same contract with the laws of this session.

This act to take effect from and after its publication in the Indiana Democrat.

CHAPTER XCIX.

An Act for the relief of William Clark, of Monroe County.

[APPROVED JANUARY 13, 1834.]

Preamble.

WHEREAS it is represented to this General Assembly that Jesse Daver, did on the first day of April, A. D. 1830, become the purchaser of the east half of the south west quarter of section No. thirty-four of the seminary township of lands, in Monroe county; and whereas the said certificate of purchase was by said Daver transferred and assigned according to law to one Joseph Lee, and said certificate was by him assigned to one Joseph Bennett, and by him the same was assigned to William Clark, by whom the same was forfeited; now therefore, in order to afford relief to said Clark,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the seminary lands in

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Monroe county, be, and he is hereby authorized to receive *Reinstated in from William Clark, the holder of said certificate of purchase right to land on certain conditions.* due on the balance of the purchase money for said land from the last payment of interest up to the time the same shall be paid, inclusive; and the said William Clark shall be, upon the payment of all such interest, with interest on such interest, re-instated in all his rights to said lot of land, in as full and ample a manner as though said Clark had made his payments of said interest in conformity with an act concerning the seminary townships of lands in Gibson and Monroe counties, approved January 25, 1827, and no further: *Provided however, that no re-instatement of rights as aforesaid, shall take place, unless the said William Clark shall pay to the commissioner aforesaid, all the interest due and owing upon said lot of land, with interest on such interest, on or before the first day of March, A. D. 1834.*

SEC. 2. This act to be in force from and after its publication in the Far West, a paper published in the town of Bloomington, Monroe county, Indiana.

CHAPTER C.

An Act for the relief of James W. Cowan and others.

[APPROVED DECEMBER 21, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the agent of the state, for the town of Indianapolis, the auditor and treasurer, are hereby authorized to make such allowance to James W. Cowan, and to Francis Davis of Warren county, as is just, after a full examination of their respective claims, for certain improvements made on the donation, which were taken possession of by the agent, for the use of the state; and that previously to the examination of such claims, the said Cowan, and the said Davis shall produce respectively, disinterested affidavits to the agent, auditor, and treasurer of state, shewing the extent of the relief to which they may be respectively entitled, after deducting the value of the use of said improvements while they occupied the same.

SEC. 2. And it shall also be the further duty of the said agent, auditor, and treasurer, to examine into, and make *Heirs of J. Maxwell.* such allowance to S. D. Maxwell, I. B. Maxwell, James A. Maxwell, and Williamson B. D. Maxwell, heirs of John Maxwell, late of Monroe county, Indiana, deceased, for any useful improvements the said John Maxwell may have made upon the town plat or donation, for which he did not

RELIEF.

receive an adequate compensation by the occupancy thereof before it was taken from him by the state; upon such agent, auditor, and treasurer being satisfied as above provided, by disinterested affidavits of the extent and justice of such claim: which if allowed, or any part thereof, to any of the above persons, shall be paid out of the moneys that may be in the hands of the agent of state, and not otherwise appropriated.

This act to be in force and take effect from and after its passage.

CHAPTER CI.

An Act for the relief of Robert W. Todd.

[APPROVED DECEMBER 27, 1833.]

Venue.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of the county of Ripley, be, and the same is hereby authorized and required to change the venue in a certain case now pending and undetermined in said court, wherein the state of Indiana is plaintiff, and Robert W. Todd defendant, on an indictment for malicious prosecution, to the county of Switzerland, or such other county as the president judge in vacation, or the court in term time may direct upon application of said Todd, upon said defendant by himself or counsel filing an application for such change. And it is hereby made the duty of the Ripley circuit court, or the president judge in vacation, to recognize the said Robert W. Todd, and the witnesses of the state to appear at the court to which said cause may be sent.

Clerk's duty. **SEC. 2.** On such application being made, and change of venue taken, the clerk of Ripley county is required to forward all the papers connected with the above case to the clerk of the county to which said venue may be changed, under the same rules and regulations as are prescribed in an act entitled "an act prescribing the mode of changing the venue," approved January 28, 1824.

Power of ct. to which the venue is changed. **SEC. 3.** The circuit court of the county to which said change of venue may be taken, shall have full power and authority to hear, try, and determine said cause, and to summon and recognize witnesses, and do and perform all things necessary and proper for the trial of said cause, in the same manner they could have done, had said suit originally been instituted and commenced in said county.

This act to take effect and be in force from and after its passage.

RELIEF.

CHAPTER CI.

An Act for the relief of James McCoy of Marion county.

[APPROVED DECEMBER 24, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of Marion county is hereby authorized and directed to receive from James McCoy or his heirs or assigns, all interest that may be due, or would have become due, on a lot of land containing ninety-five acres, in the south west quarter of section sixteen, in township seventeen N., in range four, E.; in the same manner in all respects as if no forfeiture had taken place upon the original certificate of purchase; and upon the making of said payment, said McCoy, his heirs or assignees, shall be vested with all the rights to which he was entitled, had said forfeiture not occurred.

CHAPTER CII.

An Act for the benefit of William D. Rooker of the county of Marion.

[APPROVED DECEMBER 24, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State Authority to Marion,* That the school commissioner of the county of Marion, be hereby authorized and directed to issue to William D. Rooker, of the county aforesaid, a certificate of purchase, in due form of law, for the south half of the west half of the south west quarter, of section sixteen, township sixteen N. range four E., in Marion county, Indiana.

SEC. 2. *Be it further enacted,* That said certificate, so to be issued, shall be conditioned and have the same effect as any original certificate for school lands sold in Marion county, in the year 1830, and that the payments to be made thereon, together with those already made, shall be for the original amount of purchase money, and interest that would have accrued, if no mistake had occurred in issuing the original certificate in the name of *Samuel P. Rooker*, and that all title and claim to said land be confirmed unto the said William D. Rooker, as the original purchaser of said land.

CHAPTER CIV.

An Act for the relief of John Hollowell, sr.

[APPROVED DECEMBER 27, 1833.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That William Lindley, school commissioner of Orange county, be, and he is hereby fully authorized and empowered to receive from John Hollowell, sr., any sum or sums of money, which now is, or hereafter may be due on the east half of the south east quarter of section number sixteen, township number one, south of range number one east, in the county of Orange, and receipt therefor; and be governed in all respects whatever, by the provisions of an act entitled "an act incorporating congressional townships, and providing for public schools therein," approved February 10, 1831.

Sec. 2. Whenever said Hollowell shall have made full payment to said commissioner, of all moneys due and in arrears on the premises herein mentioned, he shall be as fully and as amply to all intents and purposes whatsoever vested with the same rights, privileges and immunities as if the same had been paid agreeably to the provisions of the above recited act: *Provided however*, that if said land shall have been sold previous to the taking effect of this act, under the provisions of said act, approved February 10, 1831, by said commissioner, that in that case, the said commissioner shall refund to the said Hollowell the money he has heretofore paid said commissioner for said land; and that said Hollowell shall be entitled to his action for said money whenever this act shall take effect, and a demand shall have been made of said commissioner by said Hollowell for said money.

This act to be in force from and after its passage.

CHAPTER CV.

An Act for the relief of Abram Osburn.

[APPROVED DECEMBER 28, 1833.]

Preamble. WHEREAS it is represented to this General Assembly, that the said Abram Osburn has erected a grist and saw mill on the bank of Lost river, in the county of Orange, in the state of Indiana, and that said Abram Osburn has made a dam across said stream, and constructed a slope in the same, over which flat boats and other water crafts

can safely pass at all times, when the said stream is navigable above and below said mill dam. And whereas said grist and saw mills are of great utility to a large portion of the citizens of the counties of Orange, Lawrence, and Martin: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That so long as the said Abram Osborn shall keep the said mills and slope in good repair, so that flat boats and other water crafts can pass safely over said slope, the said Abram Osborn shall not be liable for any injury or injuries which may be hereafter sustained by any person or persons navigating said stream, over said slope.

This act to be in force from and after its passage.

CHAPTER CVI.

An Act changing the name of David Miller.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the name of David Miller, of the county of Fountain, be, and the same is hereby changed, and the said David Miller shall hereafter be known by the name of David Pearson: *Provided*, that nothing in this act contained, shall be so construed as to impair or in any way affect the rights of any person or persons whatever.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER CVII.

An Act for the relief of Joseph Raney and Philip Davis.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That in a certain cause determined in the Martin circuit court, March term, eighteen hundred and twenty-seven, wherein James B. Ray, Governor of the state of Indiana, was plaintiff, and Julius Johnson, (since deceased) Joseph Raney, and Philip Davis, were defendants, the said Raney and Davis may within one year from the passage of this act, take a writ of error agreeably to the rules of court and the provisions of law.

This act shall be in force from and after its passage.

CHAPTER CVIII.

An Act for the relief of sundry citizens of Monroe county.

[APPROVED FEBRUARY 1, 1834.]

Preamble.

WHEREAS it is represented to this General Assembly, that so much of the state road heretofore surveyed, marked and located by an act of this General Assembly, leading from William Connelly's in Lawrence county, to Green-castle in Putnam county, as lies in Monroe county, being about six miles in length, has been opened in pursuance of an order to that effect; and whereas the citizens residing within the vicinity of said road, and subject to perform road labor, have, in the opening said road, performed road labor more than their rateable proportion of road labor under the then existing road laws. Therefore in order to afford relief to said citizens,

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in Monroe county shall, in their discretion upon being fully satisfied that [extra labor has been performed on] said road, make to such person or persons a reasonable compensation for such extra labor, out of any moneys which have heretofore or may hereafter be appropriated to said county, of the three per cent. fund; which extra labor shall be established by evidence before said board, and allowance shall only be made for extra labor beyond the rateable proportion of road labor for which such person or persons were liable during said year.

This act to be in force from and after its publication in the Indiana Democrat and Indiana Journal.

CHAPTER CIX.

An Act for the relief of Samuel Darnell.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of Marion county is hereby authorized and directed, to receive from Samuel Darnell of the county aforesaid, or his heirs or assigns, all interest that may be due or would have become due on two several tracts of land, being the north half of the north west quarter of section sixteen, township fifteen, range three east; and the east half of the south west quarter of section sixteen, township fifteen, range three east,

in the same manner in all respects as if no forfeiture had taken place upon the original certificates of purchase; and upon said payments being fully made, the said Darnell, his heirs or assignees, shall be vested with all the rights to which he was entitled had said forfeitures not occurred.

This act shall take effect and be in force from and after its passage.

CHAPTER CX.

An Act for the relief of Elias Murray and Edmund B. Goodrich.

[APPROVED FEBRUARY 1, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Elias Murray of Huntington county, be, and he is hereby allowed the sum of fifty-nine dollars, for money expended by him in the improvement of the state road from Lafayette to Fort Wayne; which sum the agent of the three per cent. fund is authorized to pay out of any monies appropriated for the county of Huntington.

Sec. 2. Be it further enacted, That Edmund B. Goodrich of Randolph county, be, and he is hereby allowed ten dollars for money expended by him in the improvement of the state road from Winchester to Fort Wayne, and that the same be paid by the agent of the three per cent. fund out of any money appropriated for the county of Adams, any law to the contrary notwithstanding.

CHAPTER CXI.

An Act for the relief of John H. Scott, and the infant heirs of Ann M. Scott, deceased.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the following lots and parcels of land situated and being some in the town of Indianapolis, and some on the Indianapolis donation, heretofore sold by the agent of state for said town, and about which there is now a legal controversy pending between said John H. Scott and the heirs of said Ann M. Scott, deceased, and others, which cannot be determined in season to meet the payments thereon as they occur, shall not be subject to forfeiture for non-payment, prior to the first day of March, 1835, to wit: in lot No. nine in square fifty-two, and No. eight in square thirty-seven: lots on the donation No. 84 of two and 2-100

acres, No. 3 of 5 and 91-100 acres, No. 14 of 28 and 25-100 acres, No. 17 of 32 and 10-100 acres, and No. 129 of 58 and 65-100 acres: *Provided*, that each payment on each of said lots and parcels of land, shall respectively be chargeable with interest at the rate of 6 per cent. per annum after due till paid.

This act to take effect and be in force from and after its publication in the "Indiana Democrat, and "Indiana Journal."

CHAPTER CXII.

An Act for the relief of Thomas Neely of Putnam county, Indiana.

[APPROVED, JANUARY 24, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of Parke county be, and he is hereby authorized and required to execute to Thomas Neely of Putnam county, such a certificate as is provided by law for purchasers of school lands, for the north half of the south-west quarter of section sixteen, in township seventeen north, of range six west, and deliver the same to the said Thomas Neely, as soon as he shall surrender to the said commissioner a certain certificate which he now holds from Hiram D. P. Jones, the former school commissioner for Parke county, for the north half of the south-west quarter of section sixteen, in town seventeen north, of range eight west.

This act to take effect and be in force from and after its passage.

CHAPTER CXIII.

An Act for the relief of the heirs of John Horlock, late of the county of Rush, deceased.

[APPROVED, JANUARY 20, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all the estate, right, title, claim and interest which the State of Indiana may have acquired by escheat in any lands, situated in any county in said state, of which John Horlock, late of Rush county, deceased, died seized or otherwise possessed, is hereby released to, and vested in such persons, being inhabitants of the United States, as would take the same by devise, descent, or in right of dower, had the said John Horlock been a native citizen of the United States.

Release.

Sec. 2. The persons taking under this act, shall take estates of the same nature and extent as they would have taken, if they and the said John Horlock had been native citizens of the United States.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXIV.

An Act for the relief of Alexander Massey.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the county commissioners of the county of Knox, are hereby authorized and empowered to allow to Alexander Massey, such compensation for his services as constable in the service of a certain process on the crew of a keel boat, apprehended by virtue of said process upon suspicion of having committed murder on a man of colour found in the river Wabash, near Vincennes, in July eighteen hundred and thirty-three, as to them may seem right and proper after due examination. Such allowance to be paid out of any money in the county treasury not otherwise appropriated.

This act to be in force from and after its passage.

CHAPTER CXV.

An Act for the relief of Robert Patterson.

[APPROVED, JANUARY 30, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the agent of state for the town of Indianapolis is hereby authorized and directed to allow to Robert Patterson, his heirs or assigns, the sum of forty-three dollars and twenty-three cents, and out of the said allowance to enter a credit on a certain judgment obtained by said agent in behalf of the state, against said Patterson, before Caleb Scudder, a justice of the peace, in the county of Marion, to the full amount of said judgment and costs: *Provided*, the said judgment and costs shall not exceed the aforesaid amount of forty-three dollars and twenty-three cents.

Sec. 2. The above allowance shall be in full for all claims which said Patterson may have for repairs or other matters relating to the lease which said Patterson held from the State of Indiana, on a certain tract or piece of land, known as the west half of the large field on the donation at

Indianapolis; and the said Patterson is hereby absolved from all further liability upon said lease.

Sec. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act for the relief of Nathan Padgett.

[APPROVED, FEBRUARY 1, 1834.]

Appraisers.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the county of Monroe, be, and they are hereby authorized and required to appoint at their next January term, (1834,) three disinterested persons or appraisers, to be selected by lot from the list of traverse jurors selected for the term of the circuit court of said county next following the time of such selection, whose duty it shall be, after having previously taken an oath faithfully and impartially to discharge the duties assigned them by this act, to proceed to the bridge erected across Clear creek in said county, and appraise the said bridge and determine its real cash value as nearly as they can, and make report thereof to the board doing county business in said county, at the next succeeding term after their appointment.

Sec. 2. That it shall be the duty of the said court to cause an entry to be made on the record books of the said court, a certified copy of which shall be made out by the clerk of said court, and given to said Padgett, which when presented to G. H. Johnson, the commissioner appointed to let out and contract for the erection of said bridge, shall be sufficient authority for the commissioner aforesaid to pay over to said Padgett, the balance (if any there be,) after deducting the amount of all moneys heretofore paid to any person authorized to receive the same, which may be due him by the report of the appraisers, when made in the manner heretofore prescribed; and the said G. H. Johnson shall have power, and is hereby authorized to cancel the bond entered into with said Padgett, as the security of Samuel Vest: *Provided nevertheless*, That the said Padgett shall produce an assignment of the said bond to his use from under the hand and seal of said Vest: *Provided however*, That such balance (if any) so to be paid to said Padgett by said Johnson, shall not, with the moneys that may have heretofore been paid on said contract for constructing said bridge, exceed the amount for which said bridge was first contracted to be made; and provided also, that before such bond shall be cancelled as aforesaid, such appraisers shall decide that

such bridge is as valuable as constructed as it would have been if finished according to the terms of the original contract.

Sec. 3. The appraisers aforesaid shall file their accounts in the clerk's office, verified by oath or affirmation, and the board doing county business shall allow them a reasonable compensation to be paid out [of] the three per cent fund which is now on hand, or may hereafter be appropriated to said county.

This act to be in force from and after its passage.

Compensa-
tion.

CHAPTER CXVII.

An Act for the relief of Balsor Fox, and others.

[APPROVED, FEBRUARY 1, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Balsor Fox, Jacob Fox, John Rhodes, and Balsor Rhodes, or either of them, for the benefit of the whole, are hereby authorized and empowered to collect the taxes yet remaining due for the year 1832, in the same way and manner that collectors of state and county revenue are authorized to proceed; and for the purpose aforesaid they shall be entitled to have and receive the duplicate roll of that year, which shall be their sufficient warrant for such collection.

Sec. 2. The taxes so collected shall be held and retained by them, to indemnify them against losses sustained, or liability incurred by them, as the securities of Anderson Keith, deputy collector of Shelby county for the year aforesaid; they shall make return under oath or affirmation in writing to the clerk of the Shelby circuit court, of the amount of taxes so by them collected, and of what persons or property.

Sec. 3. Whatevertaxes due at the time for the year aforesaid, according to the duplicate roll made out by said clerk, may have been heretofore, by them or either of them, collected, may be retained by them in like manner, and their acts in the collection of the same, are hereby legalized as fully as though they had been had and done after the taking effect of this act. The said securities shall have all the power and be entitled to all the process (to be used and exercised in their own names) for the purpose above contemplated, which appertain to collectors in the regular discharge of their duties; and it shall not be necessary for the clerk to issue a new warrant to them.

Sec. 4. Nothing in this act shall be so construed as to re-

Acts &c., le-
galized.

How disposed
of.

lease the above named persons from their liability to the state, or to the said county of Shelby, by virtue of their aforesaid securityship, or in any way to impair, as to them or said Keith, the bond in which they are such security.

This act is declared to be a public act, and shall be in force from and after its passage.

CHAPTER CXVIII.

An Act for the relief of Jonathan Rogers and William Waugh.

[APPROVED, FEBRUARY 1, 1834.]

Preamble.

WHEREAS, it is represented to this General Assembly, that John Goodnight, on or about the 6th day of May, 1828, purchased the south-west quarter of section ten, of the reserved township of the seminary lands in Monroe county, of James Borland, as commissioner on behalf of this State, to sell said township, who executed to said Goodnight, a certificate specifying the amount by him paid for the tract of land so purchased, and the balance due thereon, agreeably to the provisions of the 6th section of an act entitled, "an act concerning the seminary townships of land in Gibson and Monroe counties," approved January 25th, 1827; and whereas, it is further represented that the said John Goodnight, afterwards, transferred said certificate to Isaac Rogers, who paid the interest on the same, up to February 8th, 1832, when he transferred the west half of said quarter section to William Waugh, of Monroe county, and the east half thereof to Jonathan Rogers of the same place; and whereas it is further represented, that the said Jonathan Rogers and William Waugh, inadvertently and unintentionally omitted to pay to said commissioner certain arrears of interest due on the purchase money of said premises, for ninety days after two years interest thereon became due, whereby the premises became forfeited to the state, as also the benefit of the contract by which the same was held, pursuant to the provisions of the fifth section of the above cited act: therefore

Relief.

Be it enacted, That on the several payments by the said Jonathan Rogers and William Waugh, to the said commissioner or his successor in office, of the several amounts of interest due on their respective portions of said quarter section of land as aforesaid, that the portion of said land on which such interest shall be so paid, shall be freed from such forfeiture in the same manner as though said interest had been paid by the time prescribed by law: *Provided*,

That such payment be made on or before the 6th day of May, 1834: *And provided*, That any other interest due on either of such portions of land, shall be hereafter paid at the same time as has been heretofore required by law.

This act to be in force from and after its passage.

CHAPTER CXIX.

An Act for the relief of William C. Bramwell.

[APPROVED, JANUARY 23, 1834.]

WHEREAS, it has been represented to this General Assembly, that William C. Bramwell was appointed one of the commissioners on the road leading from Madison, in the county of Jefferson, to Indianapolis in the county of Marion, by an act of the General Assembly, authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent fund, for opening the same, approved December 31st, 1821. And whereas the General Assembly at their session in 1828-9, did pass a law dispensing with two out of three of the commissioners on said road, as well as several other roads; and by the provisions of said act it was made the duty of the presidents of the several boards of commissioners, to settle the accounts of said boards with the agent of the three per cent fund, by producing his vouchers and swearing thereto: and whereas, the president of the aforesaid board was by virtue of said act, dispensed with, leaving the aforesaid William C. Bramwell the sole commissioner on said road, he not being the president of said board, could not swear to the vouchers taken by other men, and the agent not feeling himself authorized to settle with him the said Bramwell, for want of such affidavit and presidency: and whereas, upon examination of the matters and things to this General Assembly presented, it would appear that the three per cent fund appropriated to said road is indebted to said Bramwell: for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the agent of the three per cent fund is hereby authorized and required to liquidate and settle the aforesaid account, and pay over to the said William C. Bramwell the amount that may be found due to him, upon a fair and equitable adjustment of the account presented by him, comparing the same with the entries on the agent's books respecting the aforesaid road, out of any money that now is appropriated and unexpended, or hereafter may be

appropriated to the improvement of the aforesaid road, belonging to the counties of Jefferson, Jennings, Bartholomew, Johnson, and Marion, in equal proportion.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER CXX.

An Act to amend an act entitled "an act for assessing and collecting the revenue," approved February 10, 1831.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That hereafter there shall annually be charged on all Michigan road lands which have heretofore been sold, or which may hereafter be sold by the state of Indiana, and upon all lands within the limits of this state, which have heretofore been reserved by any Indian treaty to any individual or individuals, the same taxes which are charged on other lands of the same quality in this state; and it shall be the duty of the assessors in the several counties in which such lands may lie, to assess such lands annually in the same manner as other lands are assessed.

CHAPTER CXXI.

An Act to authorize James Alexander former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Alexander was collector, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

Authority to collect arrear of taxes.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Alexander, former collector of Monroe county, be, and he is hereby authorized to collect any state or county tax, or taxes, for the year or years [in] which he was collector, that are yet remaining due and unpaid, under the same rules and regulations which he could have done during the time for which he was collector; and if he shall collect any tax or taxes, for which he shall have obtained a credit, on account of delinquency, he is hereby required to pay such tax or taxes for which he shall have so obtained a credit, into the state or county treasury, in the same manner which it was his duty to have done during the time he was collector: and for any abuse of the authority herein given, he shall be liable to the same pe-

nalties which he would have been, for a like abuse of power during the time he was collector.

SEC. 2. *Be it further enacted, That the proceedings of Milton McPhertridge, school commissioner of Monroe county, in the sale of the east half of the south east quarter of section sixteen, town eight, range two west, to John Daniel, and the south end of the east half of the south east quarter of section sixteen, town seven, range two west, to G. W. Walker be, and they are hereby legalized, and shall be deemed valid to all intents and purposes as if no mistake had occurred.*

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXII.

An Act for the benefit of Revolutionary Soldiers.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act, the several clerks of this state shall not be permitted to charge or receive any tax or fee for fixing the seal of office, which may be necessary to perfect the testimonials of any revolutionary soldier, for services performed by him during the revolutionary war; nor shall said clerks be entitled to any fee for fixing the seal of office to any instrument of writing which may be necessary in drawing the pension which may be allowed such revolutionary soldier; nor for any certificate or attestation to any such instrument, nor for any duty which they may be required to perform for such soldier in procuring his pension, or the receipts of the same after it may have been allowed.

SEC. 2. Be it further enacted, That the provisions of this act shall apply to the officers and soldiers of the late war in the same manner that they apply to revolutionary soldiers.

CHAPTER CXXIII.

An Act to regulate trials of the right of property.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever one or more executions shall be levied on any personal property of any person or per-

sons, (either the execution defendant or defendants) he, she, or they, or his, her, or their agent or attorney may file with any justice of the peace of the township in which such property shall have been levied on, a claim in writing, stating that such person or persons is or are the owner or owners absolutely or by mortgage or pledge (by deed or parol) of such property, specifying the items thereof and that the same is so taken in execution, which statement shall be verified by oath or affirmation appended thereto as the affiant verily believes.

SEC. 2. Said claimant or claimants, his, her, or their agent or attorney, on filing such claim, or at any time before the final decision thereof, may file a bond in a penalty of double the value of the property claimed, but not to exceed double the amount (including costs) due on such execution or executions, with security approved by the justice, conditioned that such claim shall be well and truly prosecuted to effect, or in default thereof, that such property or so much thereof as may be finally decided to be subject to such execution or executions, shall be delivered to the person entitled to receive the same, in as good plight as the same can be kept by care and diligence without a demand first made.

SEC. 3. Whenever such bond is filed as aforesaid (and not before) the property claimed shall be forthwith delivered on request, to the claimant or claimants, his, her, or their agent or attorney, by the officer or person having custody of the same.

SEC. 4. On a decision in favor of such claim, or any part thereof, before the proper justice, such property or such part thereof as may be decided to be the property of the claimant or claimants, shall not be delivered as aforesaid, until the time for taking an appeal from such decision to the circuit court shall have elapsed, unless such bond shall be first executed and filed as aforesaid, conditioned for a delivery as mentioned in the second section of this act, or unless with the consent of the execution plaintiff or plaintiffs.

SEC. 5. On a breach of the condition of any of the bonds aforesaid, damages shall be recovered in a suit thereon to the value of the property failed to be delivered or injury done thereto or sustained as the case may be, and it shall be discretionary to assess not exceeding ten per centum on such value as additional damages: *Provided*, that the damage recovered shall never exceed the amount (including costs) due on such execution or executions, with ten per centum thereon and interest; and in case there were two or more executions, and the plaintiffs therein to whom such bond was executed, were different, on such recovery there-

Delivery bond.

Property to be delivered by claimant.

Successful claimants not entitled to delivery of property until &c

Damages on breach of bond.

on, the plaintiff or plaintiffs in each execution, shall have a separate judgment for his, her, or their equitable part of such damages, and execution may issue, stay be taken, or appeal had on the same, as an independent judgment.

SEC. 6. On filing said claim as aforesaid, the said justice shall docket said cause for trial, making the execution plaintiff or plaintiffs the defendants, and fix a day for trial, (within five days thereafter) of which the execution plaintiff or plaintiffs, his, her, or their agent or attorney, (if in the county) and the officer holding such execution, shall have three days notice, unless the same be waived, and a speedier trial agreed to by said parties, and further proceedings on such execution or executions shall be thereupon suspended until such claim may be abated, dismissed, or a final decision thereon had.

SEC. 7. A change of venue may be granted, continuance had, new trials awarded, judgments and executions, and other proceedings had in any such cause, as in other civil causes had before justices of the peace, so far as the rules in such last named causes are applicable except as herein otherwise provided.

SEC. 8. No cause of action in writing (other than such verified claim) shall be required to be filed in any such cause, and the execution plaintiff or plaintiffs shall have the benefit of all legal evidence in their defence without any written defence filed.

SEC. 9. Such justice shall hear and try such cause, unless either party should require a jury of three, six, or twelve citizens of the county, in which case the highest number of jurors required (being one of the aforesaid numbers) possessing the qualifications of jurors in other cases before a justice, shall be summoned as in other cases to try such cause, and give a verdict, or [on] which judgment shall be rendered as in other cases, so far as applicable.

SEC. 10. Every jury of twelve in any such case before the justice, or [on] an appeal shall in their verdict assess the value of the property claimed, and if the same do not exceed the sum of twenty dollars, the party requiring such jury, shall pay the costs occasioned thereby, unless the other party shall have joined in such requisition; and if such jury shall return a verdict, and omit therein to return such assessed value, they shall not be allowed their fees as such; but such omission shall not vitiate their verdict.

SEC. 11. An appeal may be taken from the judgment of the justice in any such cause, within ten days from the rendition thereof and not after, under the same rules and provisions that obtain in other cases before justices of the peace.

SEC. 12. Such appeal shall be tried by the court unless

Change of venue &c.

No cause of action to be filed.

trial.

verdict.

Appeal.

Trial.

RIGHT OF PROPERTY.

say to what extent and in what cases
such a right may be given.

Damages.

Appeal to S.
C.

Partners.

Judgment
conclusive &c

In cases of at-
tachment.

Repeal.

a jury of twelve be required under the provisions of the ninth and tenth sections of this act, and for the purpose of determining whether an appeal may be taken, or a writ of error lie on the judgment of the circuit court on such appeal whenever the jury shall omit to return the assessed value of the property claimed, or whenever the circuit court shall try such appeal, such court shall assess the value of such property.

SEC. 13. Such circuit court shall also give judgment for five *per centum* in damages in favour of the execution plaintiff or plaintiffs, on the value of the property adjudged by such court as subject to such execution, and if the jury shall have omitted to assess such value, or if no jury shall have tried such cause, the court shall determine the amount of the five *per centum* from evidence after trial; and if the claimant or claimants shall remove such cause to the supreme court by appeal or writ of error, (which may be done, subject however to the same rules and restrictions that other civil causes originating before a justice of the peace are so removed,) the supreme court shall adjudge ten *per centum* damages in favor of such execution plaintiff or plaintiffs, on the value of the property which may have been adjudged by the circuit court as subject to such execution: *Provided*, such judgment be affirmed by the supreme court.

SEC. 14. No claim interposed by one or more partners for their individual interest in any personal property so levied on, shall prevent the sale under execution of the undivided interest therein belonging to an execution defendant or defendants.

SEC. 15. Any judgment contemplated by the provisions of this act, shall, while the same remains unreversed, be conclusive as to any party having had personal notice of the trial.

SEC. 16. Personal property taken by virtue of a writ of foreign or domestic attachment may be claimed, and such further proceedings thereon shall be had as is provided by this act in cases of personal property taken in execution, and a judgment on a trial of the right of property taken in attachment while the same remains unreversed, shall be conclusive on any party having had notice as aforesaid.

SEC. 17. The tenth section of an act entitled "an act subjecting real and personal estate to execution," approved February 4, 1831, is hereby repealed.

ROAD MICHIGAN.

CHAPTER CXXIV.

An Act to amend an act entitled, "an act to improve Lost river, White-water river, &c.," approved January 18, 1830.

[APPROVED JANUARY 6, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the seventh section of "an act to improve the navigation of Lost river, White-water river, and other streams therein named," approved January 18th, 1830, be, and the same is hereby amended, so that the appropriation out of the three per cent fund of one hundred dollars, authorized by the aforesaid recited act, for the improvement of the navigation of Big Creek, in Posey county, be, and the same is hereby appropriated for the improvement of such state road or roads, or the building or repairing of bridges thereon, in said county, as the board doing county business may direct.

SEC. 2. The said board shall, at some regular session, appoint some competent person in said county, as commissioner, whose duty it shall be to superintend the application of said appropriation of one hundred dollars, as made and provided by the first section of this act.

SEC. 3. Said commissioner so appointed by said board, and the clerk of said county and the agent of the three per cent fund, shall each be governed in all respects, by the act entitled, "an act to appropriate part of the three per cent fund," approved January the 31st, 1833.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

County board
shall appoint
commissioner

How govern-
ed.

CHAPTER CXXV.

An Act for the further improvement of the Michigan Road.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of thirty thousand dollars be, and the same is hereby appropriated out of the Michigan road funds, to be expended by the commissioner of said road, in the further improvement of the same, as said funds may accrue or become available.

SEC. 2. That the commissioner of said road shall, between the first day of March and November next, cause such improvements to be made on said road under the provisions of this act, as on examination he may deem most to

improve

Com't to be
governed by
act of 1832.

Further time
to contract-
ors.

Road to be
opened 100 feet
wide.

Fee for pat-
ents.

County board
shall cause
road to be
worked.

the public interest, and where improvements are most needed, so as to make the same as near as may be, in every part equally good from the lake to the Ohio; such improvements to be let at public out-cry, to the lowest bidder, or by private contract as shall be found best for the public interest.

SEC. 3 That the said commissioner shall be governed in the expenditure of the said sum, and the further improvement of said road contemplated by this act, by the powers and restrictions of an act to provide for selling the Michigan road lands, to open that part of the Michigan road, between Logansport and Lake Michigan, and for other purposes," approved February 2d, 1832.

SEC. 4. That further time, until the first day of August next, may in the discretion of the commissioner, be allowed for the completion of all contracts for work on said road heretofore made by virtue of an act supplemental to the act named in the third section of this act, approved January 30th, 1833.

SEC. 5. The commissioner is hereby authorized and directed to cause the road to be opened the full width of one hundred feet, from the lake to Madison, wherever the same is not already done.

SEC. 6. That the secretary of state be allowed the sum of fifty cents for issuing and recording each patent on Michigan road land, which may be sold after the taking effect of this act, to be paid by the purchaser; and the same amount shall be allowed the secretary of state, from the Michigan road fund, for each patent issued for outstanding certificates, since the commencement of the present General Assembly; and also upon any outstanding certificates at the passage of this act, on which patents may issue hereafter.*

SEC. 7. The boards of commissioners in the several counties through which said road runs, shall district the same, and assign the districts to the several supervisors, whose duty it shall be to cause said road to be worked upon in the same manner that other roads and highways are, by law, to be worked and repaired.

This act to take effect and be in force from and after its passage.

* This section is supposed to have been incorporated in the enrolled act by mistake of the clerk, as the provision appears by the journals to have been lost in consequence of a disagreement between the two Houses; it being a part, however, of the act on file, must be printed, but will be considered inoperative until acted on by the next General Assembly.

W.M. SHEETS, Sec'y of State.

CHAPTER CXXVI.

An Act to incorporate the Evansville and Lafayette Rail Road Company.

[APPROVED, DECEMBER 24, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robert M. Evans, James Lewis, John Shanklin, James Cawson, and John Mitchel, of the county of Vanderburgh; John I. Neely, John Brownlee, William French, Patrick Payne, and William Daniel of the county of Gibson; Samuel Emison, William Burtch, Albert Badolet, John B. Martin and Thomas Westfall, of the county of Knox; William S. Craft, William C. Griffith, George Boone, Samuel Coleman and John De Pauw, of the county of Sullivan; William C. Linton, William Wines, James Wasson, John Jackson and James Barnes, of the county of Vigo; Matthew Noel, Daniel McMorris, James Cameron, James N. C. Smith and Joseph M. Hays, of the county of Parke; Uriah Biggs, David Sewall, David Rawles, Wilson Claypool and Andrew Wilson, of the county of Fountain; John Taylor, Joseph S. Hanna, Jacob Walker, Thomas Benbridge and William Heaton, of the county of Tippecanoe, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed, a body politic and corporate, and by the name and style of "The President and Directors of the Evansville and Lafayette Rail Road Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law, to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by this same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be Stock and five hundred thousand dollars, divided into shares of one shares. hundred dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body to be president; and after such organization, any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, Agents, clerks &c.

Records how
kept.

Vacancies.

Books, sub-
scriptions, &c.

Form of sub-
scriptions.

Who may be
stockholders,
terms of sub-
scription, &c.

Notice of e-
lection.

First election
of directors.

ents, artists, and all other officers and persons necessary to carry into effect, the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies that may happen to their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of one hundred dollars, for each share of stock set opposite our names, in such manner and proportions and at such time, as the president and directors of the Evansville and Lafayette Rail Road Company may direct. Witness our hands, this day of 183 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be re-opened at any time, and they may, by an agent, offer for sale in any other state, any amount of stock, on such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, not exceeding five dollars on each share as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as twenty-five hundred shares are subscribed and ten dollars are paid on each share, it shall be the duty of the corporation to give four weeks notice thereof in each of the newspapers printed in the several counties mentioned in the first section of this act, and in such notice, appoint a time and place for the stockholders to meet, and elect twelve directors, who shall be stockholders and citizens of this state, which election shall be held within three months after the last share in the twenty-five hundred shares, is subscribed for, and shall be conducted by two judges ap-

pointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or given by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, state, or of the United States, or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections after the first shall be held on the first Monday of October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on another day.

SEC. 10. Certificate of stock shall be given to the stockholder, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be held by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in the several weekly newspapers printed in the counties in the first section of this act mentioned, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time mentioned for such payment, the corporation

Votes how
given.

President.

Annual elec-
tions.

Certificates of
stock, and
how trans-
ferred.

Instalments,
and how en-
forced.

may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. per month interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation, and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Forfeiture of stock.

Bonds of officers.

Route of road

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents, shall have full power from time to time, to examine, survey, mark and locate the route for a rail road, for a single or double track, commencing at Evansville in Vanderburgh county, and running on the best ground for the interest of the company, and the convenience of the public, by Princeton in Gibson county, Vincennes in Knox county, Terre-Haute in Vigo county, and Covington in Fountain county to Lafayette in the county of Tippecanoe; with full power in all cases to diverge from a direct line, when more favourable ground can be had for the construction of the road, the same to be not more than eighty feet in width.

Company may take materials for road by paying the value, &c.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials necessary for the construction of said road, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Relinquish-
ment of land,
materials &c.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction, and location of the road, as also the stone, gravel, timber, or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants, or bequests, land, money, labour, property, stone,

gravel, wood or other material, for the benefit of said corporation: and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

Damages for passing thro' land, taking materials, &c. how ascertained & collected.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by

Proceedings where the owner is a minor, or insane.

the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

Route may be laid on state or county road.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however*, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and the said commissioners are hereby vested with power to grant the same, by an order entered on their records: *And provided also*, That such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

Right of way vested in corporation.

SEC. 19. That when said corporation shall have procured the right of way as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Time of commencement and completion of the road.

SEC. 20. The corporation shall commence the construction of said road, any time within five years, and from time to time construct so much towards the point of destination, as may be within the ability, and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shewn, give further time to complete the same: *Provided also*, That if any part of said road shall be completed within the time aforesaid, that then, and in that case, all the rights, privileges and benefits granted to said company in this act, shall be extended to and invested in said corporation, to such part of said road as shall then be completed.

State or county road shall not be obstructed.

SEC. 21. It shall be the duty of said corporation whenever any state or county road now established, shall cross, or may hereafter cross the rail road, to make and keep in repair good and sufficient causeways, so that the free use of said state and county road, shall not be obstructed; and in all cases where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary.

ry for the convenience of such owner: *Provided*, That such owner of land shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place Kind of car- on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel, although the whole be not finished, and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, that the rates Rates to be established from time to time, shall be posted up in some conspicuous place or places on said road.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum invested, and six per cent. per annum interest thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by law to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation to furnish the Legislature, if required, a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

SEC. 25. Semi-annual dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the stockholders, as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the nett profits after deducting all expenses; and the directors may reserve such proportion of the profits as a

Locks, bridg-
es, &c.

Tolls.

Tolls.

Rates to be posted.

Legislature may limit tolls, when &c.

Corporation shall report the costs of construction, to legislature.

Semi-annual dividends.

add to 1st day.

contingent fund, to meet subsequent expenditures, as they shall deem proper.

Penalty for injury to road or appurtenances. SEC. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation five times the amount of the damages actually done, with Limitation of costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

State's right to subscribe 1000 shares. SEC. 27. The state reserves the right to subscribe for five hundred shares of the stock, at any time within five years from the commencement of the work.

County's right to subscribe. SEC. 28. It shall be lawful for the county commissioners, of each and every county through which said road may pass for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

Annual statements. SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

General meetings. SEC. 30. Any number of stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice, in one or more newspapers, and specifying in such notice, the object of the call; and a majority of the stock being represented, they may make such order relative to the concerns of the company, as a majority may determine.

Intersecting roads. SEC. 31. The corporation may, by contract, admit the intersection with the said road, with any other rail [road,] turnpike, or any other road, or any collateral road.

Free transportation. SEC. 32. The state in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll on said road.

Stock may be increased. SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended works, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number not less than five.

Plat of the road. SEC. 34. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of state; and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owner or owners of land on said

changed route, the amount of damages they may sustain by such re-location.

Road out of repair one year, shall forfeit charter. SEC. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassible for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

Restrained from banking and mercantile transactions. SEC. 36. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandise, other than such as may be necessary to carry into effect the objects contemplated by this [act]; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

Limitation. SEC. 37. This charter is limited to seventy-five years in

Record of expenses. SEC. 38. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said rail road, or any section thereof, with all incidental expenses; and also a fair account of the tolls received; and the state shall have the right to purchase the stock of said company, at any time after fifty years, by paying to said corporation a sum of money, which, together with the tolls received, shall equal the cost and expense of said rail road, as aforesaid, with an interest of fifteen per cent, per annum, and the books of said corporation shall always be open for the inspection of any agent of the state, appointed for that purpose by the Legislature; and if said corporation shall neglect or refuse to exhibit at any time their books and accounts agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

Right reserved to the state. SEC. 39. This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favourably construed for all beneficial purposes.

CHAPTER CXXVII.

An Act supplemental to an act entitled "an act to incorporate the Evansville and Lafayette Rail Road company," approved December 24th, 1833.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana. That nothing in the act to which this is a supplement, shall be so construed as to prevent the organization of said company, and the election of directors according to the

seventh section of said act, at any time, notwithstanding twenty-five hundred shares may not be subscribed. This act to take effect and be in force from and after its passage.

CHAPTER CXXVIII.

An Act to incorporate the Indianapolis and Lafayette Rail Road company.

[APPROVED FEBRUARY 1, 1834.]

First directors.

Corporate name and powers.

Seal.

Stock and shares.

President.

Quorum.

Agents, clerks &c.

SEC 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel Taylor, Ira Smith, and Stephen Kennedy of the county of Tippecanoe, and Providence M. Currey, Jonathan W. Powers, Jeremiah Miller, and Joseph Ensminger of the county of Montgomery, and Samuel Hughes of the county of Boone, and Archibald Alexander, and William McLean of the county of Hendricks, and Archibald C. Reed, and Thomas McOuat of the county of Marion, and their successors in office duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of "the President and Directors of the Indianapolis and Lafayette Rail Road Company," shall be able and capable in law to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts and enjoin [enforce] the same, and to make and enjoin [enforce] the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body to be president, and after such organization, any three of the board shall be a quorum, but after an election for directors it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants necessary

to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, servants, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president. They may sit on their own adjournments, or on the adjournments [call] of the president. When the president is absent they may appoint a president pro tempore; they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital [stock] at such time, and at such place or places as they may chose, due notice of which shall be given; in each of which books the following entry shall be made, "We the undersigned promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportion, and at such time, as the president and directors of the Indianapolis and Lafayette rail road company may direct. Witness our hands this day of 1834."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation shall choose, and may be re-opened at any time; and they may, by an agent offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, (not exceeding five dollars on each share) as they may think proper, but such requisition shall be made known by being inserted in the notice for opening the books, any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as two hundred shares are subscribed for, and ten dollars paid on each share, it shall be the duty of [the] corporation to give three weeks notice thereof in one or more newspapers, and in such notice to appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders, and citizens of this state, which election shall be held within three months after the last share of the two hundred was subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the person having the plurality of the votes given and counted in public, shall be declared

stockholders,
Terms of sub-
scription &c.

First election
for directors.

Rules in voting.

duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections each share shall entitle the holder to one vote, and votes may be given by persons owning the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, or trustee, or guardian, or by the authorized agent of any corporation, state, or of the United States, or any person having a right to vote may vote by proxy.

President.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president. The president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Annual elections.

SEC. 9. All elections after the first, shall be held on the first Monday in September annually, under the direction of three stockholders not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, that if from any cause whatever, there should be no election held on the day appointed by this act or by the directors for the first election, it shall be lawful to hold the election on any other day.

Certificates of stock, and how transferred.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, it shall be signed by the president, and counter-signed by the clerk, the stock shall be transferable on the books of the corporation only, personally or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be held by the corporation, or for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

Installments, and how enforced.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed (not exceeding twenty-five per cent. of the amount of stock every six months,) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper, printed nearest the place where the majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, [in] any court having competent jurisdiction, and recover

the amount, with two per cent. a month interest thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be thereby absolutely forfeited to the corporation; and no Forfeiture of stock.

See. 12. The corporation shall require of all officers Bonds of officers and others in their employ, bonds with security to their acceptance, with such penalties as they deem proper for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents shall have full power from time to time, to examine, mark, survey, and locate a route for a rail road, for a single or double track, commencing at the town of Indianapolis, in the county of Marion, and running on the best ground for the interest of the company, and the convenience of the public, to the town of Jamestown in Boone county, and from thence to Crawfordsville in Montgomery county, and from thence to the town of Columbia in the county of Tippecanoe, and from thence to Lafayette, with full power in all cases to diverge from a direct line, where more favorable ground can be had for the construction of the road; the same to be not more than eighty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, or other materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation either before or after the location of any section of the road, to obtain from the persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction and location of the road, as also the stone, gravel, and timber or other materials that may be obtained on said route, and may contract for stone, gravel, and timber and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests land, money, labor, property, stone, gravel, wood, or other materials for the benefit of said corpora-

Company may take materials for road, by paying the value, &c.

Relinquishment of land, materials, &c.

tion; and also such contracts, relinquishments, donations, gifts, grants, or bequests made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of said corporation, shall be binding and obligatory, and the corporation may have their action at law in any court having competent jurisdiction to compel the observance of the same: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, and bequests shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract by the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty exists, that such facts do exist; and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighbourhood, who shall after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not; and if so, how much; and shall file such report with such justice; whereupon such justice shall enter judgment thereon, unless for good cause shewn; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may at any stage of the proceedings, appeal to the circuit court of the proper county as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term in the discretion of the court; and the judgment of the circuit court shall be final.

Proceedings where the owner is a minor, or insane.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors or insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as though such person or persons had been duly notified to attend, and on such judgment being rendered and the corporation complying therewith, by the payment of costs or damages awarded against

them, the corporation shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and continuation of said road, the corporation shall have the right to lay the same along and upon any county or state road: *Provided however*, That before such location is made, the corporation shall make application to the county commissioners of the proper county, for such right; and said commissioners are hereby vested with power to grant the same by an order entered upon their records: *And provided also*, That such right shall be granted on condition that the corporation shall leave a sufficient way of said state or county road in as good repair for common use, as previous to such occupation.

SEC. 19. That when said corporation shall have procured the right of way as hereinbefore provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, but not to interfere with the right of way of any rail road company heretofore incorporated; and no person, body politic or corporate shall in any way interfere with, molest, disturb, or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said road at Crawfordsville, at any time within three years, and from time to time construct so much thereof towards the points of termination as may be within the ability and to the interest of the company: *Provided*, That the road shall be completed within ten years from and after the passage of this act: *Provided*, That if the road shall not be completed within the time aforesaid, the General Assembly may for good cause shewn, give further time to complete the same.

SEC. 21. It shall be the duty of the corporation, whenever any state or county road now established, shall cross the rail road, to make and keep in repair good and sufficient causeways, so that the free use of said state or county road shall not be obstructed; and in all cases where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road leading from one track to the other, the owner of such land shall have the right, free from any charge, to cross the same and to make such causeways as may be necessary for the convenience of such owner: *Provided*, That such owner of land shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on

Route may be laid on state or county road.

Right of way vested in corporation.

Commencement and completion of the road.

State or county road shall not be obstructed.

Kind of carriages used on the road.

Looks, bridg-
es &c.

Tolls.

Tolls.

Rates to be
posted up.Legislature
may limit
tolls, when
&c.Annual report
to be made to
the legisla-
ture.Semi-annual
dividends.

said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware houses as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls, and freights, on such part of the road as may be in a sufficient state for travel, although the whole is not finished; and they may charge for travel and transportation on the same when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

Sec. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise, at pleasure: *Provided*, That the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Sec. 24. That when the aggregate amount of dividends declared shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum on the capital, shall be divided, and the surplus profits, if any, after paying the expenses and reserving such proportions as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by any laws to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made; and it shall be the duty of the corporation to furnish the legislature at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

Sec. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Monday in January and July annually, (unless the directors fix on a different day) and paid to the several stockholders as soon thereafter as it can with convenience be done; but no dividend shall be made, to a greater amount than the net profits after deducting all expenses; and the corporation may reserve such proportion of the profits as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

Sec. 26. That if any person or persons shall wilfully and knowingly, injure or obstruct said road, or any part thereof,

or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation three times the amount of damages actually done, with cost of suit, to be recovered by the corporation before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

Sec. 27. The State reserves the right to subscribe for five hundred shares of the stock, any time within twelve years from the commencement of the work.

Sec. 28. It shall be lawful for the county commissioners of each and every county, through which said road may right pass, for and on behalf of such county, to authorize by an order, as much of the stock, to be taken as they may think proper.

Sec. 29. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

Sec. 30. Any number of stockholders owning one third of the stock, may call general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in such notice the object of the call; and a majority of all the stock being represented, they may make such order relative to the concerns of the company as a majority may determine.

Sec. 31. The corporation may by contract, admit the intersecting with said road, of any other rail road, turn roads, or other road, or any collateral road.

Sec. 32. The state in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll, on said road.

Sec. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting reduce the number of directors to any number not less than five.

Sec. 34. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of state; and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays to the owner or owners of lands on said changed route, the amount of damages they may sustain by such relocation.

Sec. 35. That if said road after its completion, shall be suffered to go into decay, or be impassible for one year, (un- Road out of repair one

year, shall forfeit charter.

Restrained from mercantile and banking transactions.

Limited to 75 years.

Public act.

less when the same is repairing,) this charter shall be taken and considered as forfeited.

Sec. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandise, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation under [any] pretence whatever, enter into banking business for the purpose of issuing bills of credit, or bills of any description, to pass as a circulating medium.

Sec. 37. This charter is limited to seventy-five years in duration.

Sec. 38. This act to be in force from and after its passage, and it shall be taken to be a public act, and shall be favourably construed for all beneficial purposes therein mentioned.

CHAPTER CXXIX.

An Act to incorporate the Leavenworth and Bloomington Rail Road Company.

[APPROVED FEBRUARY 1, 1834.]

First directors

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Seth M. Leavenworth, Elam Willy, and Dudley Gresham of Crawford county; Thomas Coffin, Roger McKnight, John B. Moyer of Orange county; Samuel F. Irwin, Thompson H. Biggs and John Vestal of Lawrence county; George H. Johnston, John Bowland, and Joshua O. Howe of Monroe county; James Crawford, William H. Craig, and James Kelly of Morgan county, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic; and by the name and style of "The President and Directors of the Leavenworth and Bloomington Rail Road Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law, to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the state.

Sec. 2. The capital stock of said corporation shall be five hundred thousand [dollars] divided into shares of fifty dollars each.

Sec. 3. The directors named in this act, or a majority of

Seal.

Stock and shares.

ROADS RAIL.

them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body to be president; and after such organization, any five of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

Quorum!

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, all other officers and persons necessary to carry into effect, the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, all orders for the payment of such allowances as may be made to their officers, and others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies which may happen in their own body.

Agents, clerks &c.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of dollars, for each share of stock set opposite our names, in such manner and proportions and at such time, as the president and directors of the Leavenworth and Bloomington Rail Road Company may direct. Witness our hands, this the day of 183 ."

Books, sub-scriptions, &c.

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, [or] of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the book shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be re-opened at any time; and they may, by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money on such terms and conditions as may be thought advisable; and they shall have power on their own credit to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, not exceeding five dollars on each share as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

Who may be stockholders, terms of subscription, &c.

Sec. 7. As soon as five hundred shares are subscribed and ten dollars paid on each share, it shall be the duty of election.

First election
of directors.Votes how
given.

President.

Annual elec-
tions.Certificates of
stock, and
how transfer-
red.Instalments,
and how ex-
forced.

the corporation to give three weeks notice thereof in one or more newspapers, and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this state, which election shall be held within three months after the last share in the five hundred shares was subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of the votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, each share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, state, or of the United States; or any person having a right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the first Monday of September annually, under the direction of the [three] stockholders, not directors at the time, to be appointed by the board at a private [previous] meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be helden by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due, on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days no-

tic in some weekly newspaper printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. per month interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount ~~Forfeiture of~~ may have been paid thereon, and the same shall thereby be stock. absolutely forfeited to the corporation, and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Sec. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

Sec. 13. The corporation by their agents, shall have full power from time to time, to examine, survey, mark and locate the route for a rail road for a single or double track, commencing at the town of Leavenworth on the Ohio river, and running on the best ground for the interest of the corporation and the convenience of the public, to Paoli in Orange county, thence to Orleans in the same county, from thence to Bedford in Lawrence county, from thence to Bloomington in the county of Monroe, with full power in all cases to diverge from a direct line, when more favourable ground can be had for the construction of the road, the same not to be more than eighty feet in width.

Sec. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by ~~Company~~ may take materials for their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction, and location of the

Bonds of offi-
cers.

Route of road

~~Company~~
material for
the road, by pay-
ing the value,
&c.

Relinqui-
ment of land,
materials &c.

road, as also the stone, gravel, timber, or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants, or bequests, land, money, labour, property, stone, gravel, wood or other material, for the benefit of said corporation: and all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

Damages for
passing thro'
land, taking
materials, &c.
how ascer-
tained & col-
lected.

Sec. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as disadvantages the road may be to the same, report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show good cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

Proceedings
where the
owner is a mi-
nor, or insane.

Sec. 17. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause the [three] notices of the application made, and of the day fixed for the appointment of viewers, to be

posted up in three of the most public places in the county; and if no person should attend upon the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

Sec. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided* however, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and such commissioners are hereby vested with power to grant the same, by an order entered on their records: *And provided also*, That such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

Sec. 19. That when said corporation shall have procured the right of way as herein before provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere with, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Sec. 20. The corporation shall commence the construction of said road at either end, at the discretion of the corporation, any time within five years after the passage of this act, and may from time to time construct so much thereof as may be within the ability and to the interest of the corporation: *Provided*, That the said road shall be completed within twenty-five years from its commencement, or in either case so far completed as to admit travel thereon: *Provided* That should the road not be completed within the time aforesaid, the General Assembly may for good cause shown, give further time to complete the same.

Sec. 21. It shall be the duty of said corporation whenever any state or county road now or hereafter established, shall cross the rail road, to make and keep in repair good and sufficient causeways, so that the free use of said state or county road, shall not be obstructed; and in all cases where any person shall own land on both sides of said rail road, and there shall not be any causeway for a public road, leading from one track to the other, the owner of such land

Route may
be laid on
state or coun-
try road.

Right of way
vested in cor-
poration.

Time of com-
mencement
and comple-
tion of the
road.

State or coun-
try road shall
not be ob-
structed.

Land to be used

shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, That such owner shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandise, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel, although the whole be not finished, and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or [raise] at pleasure: *Provided*, that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the Legislature may so regulate the tolls and freight, that not more than fifteen per cent. per annum on the capital shall be divided; and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by any law to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation to furnish the Legislature, at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

SEC. 25. Half-yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount

Kind of carriages used on the road.

Locks, bridges, &c.

Tolls.

Tolls.

Rates to be posted.

Legislature may limit tolls, when &c.

Corporation shall report the costs of construction, to legislature.

Semi-annual dividends.

than the nett profits after deducting all expenses; and the corporation may reserve such proportion of the profits as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

SEC. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation three times the amount of the damages actually done, with the costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. The state reserves the right to subscribe for nine hundred shares of the stock, at any time within nine years from the commencement of the stock [work.]

SEC. 28. It shall be lawful for the county commissioners, of each and every county through which said road may pass for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice, in one or more newspapers, and specifying in such notice, the object of such call; and a majority of all the stock being represented, they [may] make such order relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporation may, by contract, admit the intersection with the rail road, of any other rail, turnpike, roads, or other road, or any collateral road.

SEC. 32. The state in time of war, shall have the right free to transport troops, munitions of war, and provisions, free portation, of toll on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may at any general meeting, reduce the number of directors to any number not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the secretary of state; and from and after that time, it shall not be lawful for said corpora-

Penalty for injury to road or appurtenances.

Limitation of action.

State's right to subscribe 900 shares.

County's right to subscribe.

Annual statements.

General meetings.

tion to alter or change any part of said location, unless said corporation pay to the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

Road out of
repair one
year, shall for-
feit charter.

Sec. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited. It shall and may be lawful for the state at any time after the period of seventy-five years, to require said company to yield up and surrender to the State the said road, and all the privileges hereby conferred, on giving the said company one year's notice of such intention; and on paying to said company the value of said road and its buildings, warehouses, wharves, and landing places and other property connected therewith.

Restrained
from banking
and mercan-
tile transac-
tions.

Sec. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in any merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of issuing bills of credit, or bills of any description, to pass as a circulating medium.

Continuance.

Sec. 37. It shall be lawful for the president and directors of the aforesaid rail road, to continue the same from Bloomington via Martinsville, to Indianapolis, should they deem the same expedient.

Sec. 38. This act to be in force from and after its passage, and it shall be taken to be a public act, and favourably construed for all beneficial purposes.

CHAPTER CXXX.

An Act to incorporate the Indiana North West Rail Road Company.

[APPROVED FEBRUARY 1, 1834.]

First direct-
ors.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That James Blair, Asaph Hill, Josephus Collett, Samuel Greenendyke, John Gardner, William Coffin, Benjamin Whitcomb, James Thompson, and Austin Bishop of the county of Vermillion; John Lowrey, Perin Kent, J. G. Jamison, James H. Buell, Jesse Tomlinson, Thomas B. Clark, of the county of Warren; Joseph Orr, David Robb, John Brown, William Clark, and David Harman of the county of Laporte; Daniel Barbour, Elisha Parsons, and William Ray, of the county of Vigo, and their successors in office, duly elected as hereinafter directed, are hereby appointed a body politic and corporate, and by the name

and style of "The President and Directors of the Indiana North West Rail Road Company," shall be able and capable in law and equity to sue and be sued, plead and be im- name and powers. pleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use one common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the state. Seal.

Sec. 2. The capital stock of said corporation shall be Stock and four hundred thousand dollars, divided into shares of one shares. hundred dollars each.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their body to be president, and after such organization, any three of the board shall be a quorum, but after an election for directors it shall require five to form a quo- Quorum.

Sec. 4. The corporation shall have power to appoint Agents, clerks, agents, clerks, treasurers, surveyors, engineers, superinten- &c. dents, artists, and all other officers and persons necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered the by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president. They may sit on their own adjournments, or on the call of the president. When the president is absent they may appoint a president pro tempore; they shall fill all vacancies that may happen in their own body. Vacancies.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time, and at such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made, "We the undersigned promise to pay the sum of one hundred dollars for each share of stock set opposite to our names, in such manner and proportions, and at such time, as the president and directors of the Indiana North West Rail Road Company may direct. Witness our hands this day of 183 . Subscriptions, books, &c.

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or of the United States, on behalf of the same, to

Who may be stockholders, subscribe for any amount of the capital stock; and the books shall be kept open for any such space of time, and at such place or places as the corporation shall choose, and may be re-opened at any time; and they may, by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable; they shall have power on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books; and any future payments on the stock shall be under the control of the corporation.

First election for directors. SEC. 7. As soon as five hundred shares are subscribed, and ten dollars are paid on each share, it shall be the duty of the corporation to give four weeks notice thereof, in two of the newspapers printed in the vicinity of the contemplated route, and in such notice to appoint a time and place for the stockholders to meet and elect twelve directors, who shall be stockholders and citizens of the State; which election shall be held within three months after the last share in the five hundred shares shall be subscribed for, and shall be conducted by two judges, appointed by the stockholders present; and the persons having a plurality of the votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote, and votes may be given by the persons owning the same, or by one of any partnership, or by the husband, father, mother, administrator, or an executor, trustee, or guardian, or by the authorized agent of any corporation, state, or the United States; or any person having the right to vote may vote by proxy.

President. SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president. The president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Annual elections. SEC. 9. All elections after the first, shall be held on the first Monday of October annually, under the direction of three stockholders not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, that if from any cause whatever, there should be no election held on the day appointed by this act or by the di-

rectors for the first election, it shall be lawful to hold the election on another day, to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, they shall be signed by the president, and counter-signed by the clerk, the stock shall be transferable on the books of the corporation only, personally or by an agent, attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be helden by the corporation for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for instalments, such proportion of the stock subscribed (not exceeding twenty-five per cent. of the amount of stock every six months,) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in at least two weekly newspapers, printed in the immediate vicinity of the contemplated rail road, or by giving written notice to the stockholders; in all such notices the amount on each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be thereby absolutely forfeited to the corporation; and no stock delinquent before the forfeiture of his stock shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalty or penalties as they think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents, shall have full power from time to time, to examine, survey, mark, and locate the route of said rail road, for a single or double track, commencing at Michigan City in the county of La Porte, and running on the best ground for the interest of the company and convenience of the public, to the National road on the west side of the Wabash river, in the county

Certificates of stock, and how transferred.

Forfeiture of stock.

Bonds of officers.

Route of road.

of Vigo, with full power in all cases to diverge from a direct line, when more favourable ground can be had for the construction of said road; the same not to exceed eighty feet in width.

Company
may take ma-
terials for
road, by pay-
ing the value,
&c.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, wood, or other materials necessary for the construction of said road shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Relinquish-
ment of land,
materials, &c.

SEC. 15. It shall be lawful for the corporation either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction or location of the road, as also the stone, gravel, timber or other materials that may be obtained on said route; and may contract for the stone, gravel, timber and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction to compel the observance of the same: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, and bequests shall be fully and plainly made in writing, signed by the party making the same.

Damages for
passing thro'
land, taking
materials &c.
how ascer-
tained and
collected.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulties may occur, that such facts do exist; and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighbourhood, who shall after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consider-

ration the advantages as well as disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not; and if so, how much; and shall file such report with such justice; whereupon such justice shall enter judgment thereon, unless for good cause shewn; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, either party may at any stage of the proceedings, appeal to the circuit court of the proper county as in other cases, and such court shall appoint reviewers as above directed, who may report at that or the ensuing term at the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county in which such land is situated, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said rail road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however*, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and the said commissioners are hereby vested with power to grant the same by an order entered on the record: *Provided also*, That such right shall be granted on condition that the corporation shall leave a sufficiency of said state or county road in as good repair for common use, as it was previous to such occupation.

SEC. 19. That when said corporation shall have procured the right of way as hereinbefore provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body politic or corporate shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Route may be
laid on state
or county
road.

Right of way
vested in cor-
poration.

Commerce-
ment and
completion of
the road.

SEC. 20. The corporation shall commence the construction of said road any time within five years, and from time to time construct so much as may be within the ability and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the said road shall not be completed within the time aforesaid, the General Assembly may for good cause shown, give further time to complete the same: *Provided also*, That if any part of said road shall be completed within the time aforesaid, that then and in that case all the rights, privileges, and benefits granted to said company in this act, shall be extended to and invested in said corporation, to such part of said road as shall then be completed.

State or coun-
ty road shall
not be ob-
structed.

SEC. 21. It shall be the duty of the corporation, whenever any state or county road now established, shall cross or may hereafter cross the rail road, to make and keep in repair good and sufficient causeways, so that the free use of said state or county road shall not be obstructed; and in all cases where any person shall own land on both sides of said rail road, and there shall not be any causeway for a public road leading from one track to the other, the owner of said land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of said owner: *Provided*, That said owner of land shall not injure or obstruct said rail road.

Kind of car-
riages used on
the road.

SEC. 22. That it shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said rail road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road with such locks, turns, gates, bridges, and aqueducts, culverts, toll and warehouses as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls, and freights, on such part of the road as may be in a sufficient state of forwardness, although the whole be not finished; and they may charge for travel and transportation on the same when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

Locks, bridg-
es &c.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages on said road, or any part thereof, as shall be for the interest of said company, and the same to change, lower or raise, at pleasure: *Provided*, That the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Tolls.

SEC. 24. That when the aggregate amount of dividends

Rates to be
posted up.

declared shall amount to the full sum invested, and six per cent. per annum thereon, the legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by law to reduce the tolls and freights, so that a dividend of less than fifteen per cent. cannot be made; and it shall be the duty of the corporation to furnish the legislature if required, with a correct statement of the amount of the expenditures, and of the amount of profits after deducting all expenses; which statement shall be made under the oath of the officers, whose duty it shall be to make the same.

Annual report
to be made to
the legisla-
ture.

SEC. 25. Semi-annual dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Monday of January and July annually, unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience; and no dividends shall be made, to a greater amount than the nett profits after deducting all expenses; and the directors may reserve such proportion of the profits as a contingent fund, to meet subsequent expenses, as they shall deem proper.

Semi-annual
dividends.

SEC. 26. That if any person or persons shall knowingly, and wilfully injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation five times the amount of damages actually done, with costs of suit, to be recovered by the corporation before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

Penalty for
injury to road
or appurte-
nances.

SEC. 27. The State reserves the right to subscribe for five hundred shares of the stock, at any time within five years from the commencement of said work.

State's right
to subscribe
500 shares.

SEC. 28. It shall be lawful for the county commissioners of each and every county, through which said road may pass, for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

Counties'
right.

SEC. 29. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at each annual election, or at any other general meeting of the stockholders, at least once in each year.

Annual state-
ment.

General meetings.

SEC. 30. Any number of stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in said notice the object of the call; and a majority of the stockholders being represented, they may make such order relative to the concerns of the company as a majority may determine on.

Intersecting roads.

SEC. 31. The corporation may by contract, admit the intersection of said road, with any other rail, turnpike, or other collateral road.

Free transportation.

SEC. 32. The state of Indiana, in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll, on said road.

Stock may be increased.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting reduce the number of directors to any number not less than five.

Plot of the road.

SEC. 34. That when the road is located, it shall be the duty of the corporation to cause a plot of the same to be deposited in the office of the secretary of state; and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pay to the owner or owners of land on said changed route, the amount of damages they may sustain by such relocation.

Road out of repair one year, shall forfeit charter.

SEC. 35. That if said road after its completion, be suffered to go to decay, or be impassible for one year, (unless when the same is undergoing repairs,) then and in that case this charter shall be taken and considered as forfeited, to all intents and purposes.

Restrained from mercantile and banking transactions.

SEC. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation under any pretence whatever, enter into any banking business for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description to pass as a circulating medium.

Limited to 75 years.

SEC. 37. This charter is limited to seventy-five years in its duration.

Record of expenses.

SEC. 38. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said rail road and every section thereof, with all incidental expenses; and also a fair and accurate account of tolls received; and the State shall have the right to purchase the stock of said company, at any time after fifty years, by paying said corporation a sum of money which, together with the tolls received, shall equal the costs and expenses of said rail road

as aforesaid, with an interest of fifteen per cent, per annum: and the books of said corporation shall always be open for inspection of any agent of state appointed for that purpose by the legislature; and if said corporation shall neglect or refuse to exhibit at any time, their books and accounts agreeably to this section, when thereunto required, then all the rights and privileges granted by this act, shall cease and be ended.

SEC. 39. The rail road company created by this act, shall have the right to commence the construction of said road at Michigan City in the county of La Porte, or any intermediate point on the route, and the place of termination, on the National Road in the county of Vigo.

SEC. 40. This act to be in force from and after its passage.

CHAPTER CXXXI.

An Act to incorporate the New-Albany and Jeffersonville Rail Road Company.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel G. Wilson, Robert Downey, Sumerville E. Leonard, James R. Shields, Benjamin S. Tuley, Darius Gening and Joseph Franklin, of the town of New-Albany; Andrew Fite, James Ridge, Samuel Merriweather, James Keigwin, William D. Beach and William Bowman, of the town of Jeffersonville, be, and they are hereby appointed commissioners; under the direction of a majority of whom, subscriptions may be received to the capital stock of the New-Albany and Jeffersonville Rail road Company, hereby incorporated; and they, or a majority of them, may cause books to be opened at such time and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and that after the first opening of said books, they shall be kept open for at least thirty successive days, from ten o'clock A. M., until two o'clock, P. M., and if at the expiration of that period, such a subscription to the capital stock of said company, as is necessary to its incorporation, shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened from time to time, after the expiration of said thirty days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of the said company shall be subscribed, if [not] sooner sub-

Right reserved to the state.

scribed; and if any of the commissioners shall die, resign, or refuse to act, another may be appointed in his stead, by the remaining commissioners or a majority of them.

SEC. 2. That the capital stock of the said New-Albany and Jeffersonville Rail Road Company, shall be thirty thousand dollars, in shares of fifty dollars each, which may be subscribed for by any individual or corporation; and as soon as one hundred shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name of "The New-Albany and Jeffersonville Rail Road Company," and by

Corporation created, name and powers.

that name shall be capable in law, of purchasing, holding, selling, leasing, and conveying real estate, not exceeding five hundred acres, and personal and mixed estates, so far as the same shall be necessary for the purposes hereinafter mentioned, and no further; and shall have perpetual succession, and by said corporate name, may sue and be sued, defend and be defended, in law and equity, in all courts whatsoever; and may have and may use a common seal, which they shall have power to alter or renew at their pleasure; and shall have, enjoy, and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act.

SEC. 3. That if more than six hundred shares shall be subscribed to the capital stock of said company, the said commissioners or a majority of them, shall reduce, by striking off from the largest number of shares, in succession, until the subscriptions are reduced to six hundred shares.

SEC. 4. That at every such subscription, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscription, either in money, or in a note negotiable and payable at some, bank at sixty days date, or longer, at the option of the said commissioners or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times as may be required by the president and directors of said company: *Provided*, no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by the said president and directors; nor shall more than thirty-seven and a half per cent. of each share of stock be called for in any one year; but if the exigencies of the company should require the payment on the stock to be made more rapidly than is provided for herein, or should the president and directors, or a majority of the whole number elected, consider it expedient for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of the said

May contract a loan.

company, a sum of money not exceeding two thirds of the stock subscribed and unpaid; and if any subscriber shall fail or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, for the space of sixty days next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said president and directors for the benefit of the company; but the president and directors by a majority of their whole board, may remit any such forfeiture, on such terms as they shall deem proper.

SEC. 5. That if the subscription herein made necessary to the corporation of said company, shall not be obtained within the term of five years after the first opening of the subscription books by the said commissioners, this act and be not taken, all their subscriptions under it shall be null and void; and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscriptions to the several subscribers, in proportion to the sums respectively paid in by them.

SEC. 6. That at the expiration of the thirty days for which the books are first opened, if one hundred shares of the capital stock shall have been subscribed, if within five years from the first opening of the books, the said commissioners or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof; and at such meeting, the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers or a majority of them then present, shall from the stockholders elect twelve directors by ballot, to manage the affairs of said company; and those twelve directors or a majority of them, shall have the power of electing a president of said company, either from among the directors, or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions, wherein a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share owned by it, him, or her, and every stockholder may depose, in writing, any other person to vote and act for it, him or her, at its, his, or her proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

SEC. 7. That to continue the succession of the president and directors of said company, twelve directors shall be chosen annually on the third Monday in May in every year, in the town of New-Albany and in the town of Jeffersonville alternately, first in the town of New-Albany, by the

Forfeiture of stock.

Amount to be returned to subscribers if the whole be not taken.

Meeting of stockholders.

Elect directors.

President.

Rules in voting.

Vacancies.

stockholders of said company; and that the directors of said company or a majority of them, shall have power to appoint judges of all elections; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or director before the year for which he was elected has expired, a person to fill such vacant place for the residue of the year, may be appointed by the president and directors of said company, or a majority of them; and that the president and directors of the company, shall hold and exercise their office until a new election of president and directors; and that all elections which are by this act, or the by-laws of said company, to be made on a particular day, or at a particular time, if not made on such day or such time, may be made at any time within thirty days thereafter.

Called meetings of stock-holders.

SEC. 8. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by the stockholders owning at least one fourth of the whole stock subscribed, upon giving thirty days public notice of the time of holding the same; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call, and if [at] any such call meetings, a majority (in value) of the stockholders of said company are not present in person or proxy, such meeting shall be adjourned from day to day, without transacting any business for any time not exceeding three days; and if within said three days, stockholders having a majority of the stock, do not thus attend, such meeting shall be dissolved.

Statement of affairs when to be exhibited.

SEC. 9. That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office, for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; that at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority in value of the attending stockholders, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and that at all general meetings of the stockholders a majority, in value, of all the stockholders in said company, may remove from office the president, or any of the directors of said company, and fill up vacancies thus created, in the same way, and to the same extent that they could do at their stated annual meetings.

President &c. may be removed from office.

Oath of president, &c.

SEC. 10. That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well, and truly discharge the duties of his said office, to the best of his skill and judgment.

SEC. 11. That if any of the stock created by virtue of

this act, shall remain unsubscribed until after the election of the president and directors, as provided for in the sixth section of this act, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company, which may remain unsubscribed for, or to sell or to dispose of such unsubscribed stock for the benefit of said company, for any sum not under its par value; and the purchasers or subscribers of such stock, shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same restrictions and regulations.

SEC. 12. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine by contract, the compensation of all the engineers, officers, agents, servants, or others in the employ of the said company, and to regulate by their by-laws the manner of adjusting and settling all accounts against the company; that they, or a majority of them, shall have the power to erect buildings for the safe keeping of articles entrusted with them for transportation, and for work-shops necessary for the business of the company; that they, or a majority of them, shall have power to direct the manner, and by what evidence stock in said company may be transferred, and to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the object of this act into effect: *Provided only*, that such by-laws shall not be contrary to the laws of the United States, or the laws of this state.

SEC. 14. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time, to increase the said capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount ten thousand dollars, for which they may at their option, cause subscriptions to be received, giving notice in the manner hereinbefore prescribed, or may sell the same for the benefit of the company, for any sum not under their par value.

SEC. 14. That the president and directors of said company, shall be, and they are hereby invested with all the rights and powers necessary for the construction and repairs of a rail road from the town of New-Albany, to the town of Jeffersonville, not exceeding sixty feet wide, with

President and
directors may
open books
for subscrip-
tion of re-
mainding stock

Officers &c. to
be appointed.

Power of pre-
sident and di-
rectors.

Capital stock
may be in-
creased.

not to exceed
\$10,000.

Powers of the
president and
directors.

May enter upon and use land.

as many set of tracks as the said president and directors may deem necessary; and that they may cause to be made, or contract with others for making said rail road, or any part of it; and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon, and use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses, or other work necessary for said road, or for any other purpose necessary or useful in the construction or repair of said road, or its works; and that they may build bridges, provided the same do not obstruct the navigation of navigable streams; may fix seals [scales] and weights, may lay rails, may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of said road, or any part of its works, and may make and construct all the works whatsoever which may be necessary and expedient in order to the proper completion of said road.

SEC. 15. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said road, or any of their works, for the purchase or use and occupation of the same; and if they cannot agree, and if the owner or

Proceedings where agreement cannot be made, or the owner is a minor.

owners of any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such land and materials may be wanted, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related or in anywise interested, to meet on the land, or near to the other property or materials to be valued, on a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same; and if at said time and place, any of said jurors summoned, do not attend, the said sheriff shall summon immediately, as many jurors as may be necessary with the jurors in attendance, to furnish a panel of twenty jurors in attendance; and for them, each party, or its, his, or her, or their agent, if either be not present in person, or by agent, the sheriff for him, her, or it, may strike off four jurors, and the remaining shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that they will justly and impartially value the damages which the owner or owners shall sustain, by the use or occupation of the same required by

the company; and the jury in estimating such damages, shall take into the estimate the benefits resulting to the said owner or owners, from conducting said rail road through, along, or over the property of said owner or owners, but only in extinguishment of the claim for damages; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of his county, and by such clerk filed in his office, and be confirmed by the circuit court at its next session, if no sufficient cause to the contrary be shewn; and when confirmed, shall be recorded by said clerk at the expense of said company; but if set aside, the said court may direct another inquisition to be taken in the same manner above prescribed, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity of duration of the interest in the same, valued for the company; and such valuation when paid or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation if not received when tendered, may, at any time thereafter, be received from the company without cost, by the said owner or owners, his, her, or their legal representative or representatives.

SEC. 16. That if said company shall neglect to provide proper wagon ways across said road, as required by the 19th section of this act, it shall be lawful for any individual to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect or refusal on the part of the said company.

SEC. 17. That whenever it shall be necessary for said company, to have, use, or occupy any lands, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the president and directors of said company, or their agents, or those contracting with them for making or repairing the same, may immediately take and use the same, they having first caused the property wanted, to be received [viewed] by a jury, formed in the same manner hereinbefore prescribed in those, where the property is to be changed or altered by admixture with other substances, before such alteration is made; and that it shall not be necessary after such view, in order to the use or occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after confirmation, and after payment or tender of the valuation, shall be a bar to all actions for taking or using such property, whether commenced

Land &c. may be used immediately, being first viewed.

ed before or after such confirmation, for the payment of said valuation.

State or country road may be used, leaving, &c.

SEC. 18. That it shall be lawful for the said company to use and enjoy, for the purpose of erecting the said rail road, any county, state, or other public road, which may happen to be in their route, and build their said rail road thereon, leaving thirty feet in width on one side of the said rail road, for the use and benefit of public travel; and in order to secure to said company, the free and unmolested use of so part of the county, state, or other public road, the said company shall be at liberty to survey and make a plat of so much of said county, state or other public road as they may find it convenient to use; which survey and plat shall be presented to the court or board authorized to do county business, in the county where the land lies, and if approved by them, the same shall be recorded among their public roads, noting the various courses and distances; which being done, the land so appropriated by the said company, shall vest in fee, in the said corporation: *Provided*, the said company shall not be at liberty to obstruct or injure any public road whatever, farther than shall be unavoidable in the prosecution of the work, and which, in a reasonable time, shall be removed or repaired.

Duty of company where railroad crosses any public road established.

SEC. 19. And be it further enacted, that in all cases where the said rail road, shall cross any public road or highway, now established, or hereafter to be established, the company hereby incorporated, shall make suitable provision for the passage of wagons, and travel over the rails of said road, and shall not hinder or prevent any person or persons, from passing to and from his, her or their farm or farms, in the ordinary prosecution of business, with the necessary teams, wagons and implements, under such regulations as may be just and reasonable.

Carriages.

SEC. 20. That the said president and directors shall have power and authority to purchase with the funds of said company, and place on any rail road constructed by them under this act, all machines and carriages of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road; and that they shall have power to charge for tolls, (and transportation of persons) on goods, produce, merchandize or property of any kind whatever, transported by them along said rail road; may charge and receive such tolls and freights for the transportation of persons, commodities and carriages on said road, or any part thereof, as shall be for the interest of the company; and the same to change, lower or raise at pleasure: *Provided*, That the rates established from time to time, shall be posted up in some conspicuous place

Tolls.

or places on said road; and it shall [not]* be lawful for any other company, or any other person or persons whomsoever, to transport any person, merchandize, produce or property of any description whatsoever, along said road or roads or any of them, or any part thereof, without the license or permission of the president and directors of said company; and the said road or roads, with all their works, profits and improvements, and all machinery used on said road or roads, for transportation or other purposes, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the capital stock of said company, shall be deemed and considered personal property; reserving however, to the state the right of transporting at any time, troops, provisions, implements and munitions of war, free of toll.

SEC. 21. That the said president and directors of the New-Albany and Jeffersonville rail road way, or a majority of them shall be, and they are hereby authorized to subscribe, in their corporate capacity, for stock in any turnpike or rail road company, chartered for the purpose of connecting such roads with that made by this company, upon the same conditions, and with the same privileges that are given to other stockholders, and to pay for the same out of the joint or common funds of this company.

SEC. 22. That the said president and directors, shall annually, or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the resources of the said company, after deducting the necessary current, and probable contingent expenses, and that they shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

SEC. 23. That if any person or persons, shall wilfully, by any means whatsoever, injure, impair or destroy any part work, penalty of any rail road constructed by said company, under this act, or any of their necessary works, buildings, carriages, vehicles, or machinery of said company, such person or persons so offending, shall each of them for every such offence, forfeit and pay to said company, a sum not exceeding five hundred dollars, which may be recovered in the name of said company, by suit in any court possessing competent jurisdiction.

SEC. 24. That said road shall be commenced within one year after the capital stock shall have been subscribed, and that the same shall be completed within five years.

SEC. 25. That the full right and privilege is hereby reserved to the citizens of this state, or any company hereafter

Road & Co. vested in the company.

Stock personal property.

Right reserved to the state

May subscribe for stock in another company when.

Dividends.

Commencement and completion.

Rights reserved.

* This word is taken from the engrossed bill; it must have been omitted, in the enrolled act, evidently by mistake.

ter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other rail road leading from the main route, and diverging therefrom at an angle of twenty degrees or more, to any part or parts of the state; provided, that in forming such connection, no injury be done to the works of the company hereby incorporated.

Business,
when to com-
mence.

SEC. 26. That so soon as the company have completed a sufficiency of their route, they may commence and prosecute their business, upon the terms and on the stipulations herein provided for, as though the whole work was completed.

Legislature
may regulate
tolls after a
certain period

SEC. 27. That when the aggregate amount of the dividends declared shall amount to the full sum invested, and six per cent. per annum interest thereon, the legislature may so regulate the tolls and freights, that not more than fifteen per centum per annum on the capital shall be divided, and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurers of the counties of Floyd and Clark equally, for the use of education, one half to the county seminary, and the other half for the use of common schools in said counties; but the corporation shall not be compelled by any law, to reduce the tolls and freights so that a dividend of fifteen per centum per annum cannot be made; and it shall be the duty of the corporation to furnish the General Assembly at each session thereof, with a correct statement of the amount of expenditures, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officers whose duty it shall be to make the same.

Report to Le-
gislature.

Public act.

This act shall be taken and deemed a public act in all courts of law and equity; and shall be favourably construed for all beneficial purposes.

SEC. 28. This act shall take effect and be in force from and after its passage.

CHAPTER CXXXII.

An Act to amend "an act to incorporate the Madison, Indianapolis, and Lafayette Rail Road company," approved February 2, 1832.

[APPROVED FEBRUARY 1, 1834.]

Termination
of the road.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the company incorporated by the provisions of the act to which this is an amendment, be, and they are hereby authorized [and] required to terminate the

rail road which they may construct, at the town of Indianapolis, and unite with and connect the rail road which may be constructed from Indianapolis to Lafayette, by any company now or hereafter to be incorporated for that purpose. Unless this act shall be adopted and assented to by a majority of the directors elected pursuant to the provisions of section seventh of the act to which this is a supplement, on or before the first day of January in the year A. D. eighteen hundred and thirty-six, then this act shall cease, determine, and be avoided to all intents and purposes.

This act to determine unless adopted by directors.

SEC. 2. The name and style of said company shall be, Name.

and is hereby altered and changed to that of "The Madison and Indianapolis Rail Road company," and shall organize and have continuance under that name; and may re- Capital stock may be reduced.

SEC. 3. That so much of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

SEC. 4. Any rail road, or rail way which may or shall be made, commenced, or constructed in the direction of, or between the falls of the Ohio river and Indianapolis, may be connected and united with the Madison and Indianapolis rail road mentioned in the first and second sections of this act.

SEC. 5. It shall and may be lawful for the state at any time after the period of seventy-five years, to require said company to yield up and surrender to the state, the said road and all the privileges hereby conferred, and all those conferred by the act to which this is an amendment, on giving the said company one years notice of such intention, and on paying to said company the value of [said road] and its buildings, warehouses, wharves and landing places, and other property connected therewith.

SEC. 6. This act to be in force from and after its publication.

CHAPTER CXXXIII.

An Act to amend an act entitled "an act to incorporate the Ohio and Lafayette Rail Road company," approved February 2, 1832.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in addition to Elias Ayres, Eli W. Mab-Addition to the board of directors.
lott, Beebe Booth, Henry Young, Samuel Peck, Moses Fell, John Lowry, John Owens, John Boland, James M.

H. Allison, Lewis H. Sands, Isaac Ash, John Wilson, and Jacob Walker, the directors heretofore appointed by virtue of the act to which this is amendatory; that David M. Hale, Mason C. Fitch of the county of Floyd; David G. Campbell, and Micah Newby of the county of Washington; Samuel F. Irwin, Samuel D. Bishop, William McLane, and Robert Mitchell of the county of Lawrence; George H. Johnson, and F. T. Butler of the county of Monroe, and their successors in office, duly elected and qualified agreeably to the provisions of the act to which this is an amendment, are hereby constituted a body corporate and politic, in manner and form provided for by the provisions of said act.

Powers &c.

SEC. 2. That the directors herein mentioned, shall in all respects whatever be vested with and possess all and singular the powers, rights, privileges, and immunities conferred upon the board of directors named in the act to which this is amendatory; and shall in all respects whatever, be governed by the provisions of the act aforesaid, with power, if they may deem the same expedient, to increase the capital stock of said corporation to one million of dollars.

Commerce-
ment and
completion.

SEC. 3. That it shall be the duty of said corporation to commence the construction of said road at the Ohio river as contemplated by the provisions of the act to which this is an amendment, at any time within three years after the passage of this act, and may from time to time construct so much thereof as may be within the ability and to the interest of said corporation: *Provided*, that said road shall be completed to the town of Crawfordsville, within twelve years after the commencement thereof: *And provided also*, that the whole of said road shall be completed on or before the first day of January, in the year one thousand eight hundred and sixty-one; but nothing herein contained shall be so construed as to render it obligatory on said corporation to extend said road further than the town of Crawfordsville, unless the directors of said corporation shall deem it advisable to extend the same, who are hereby fully authorized from time to time, to extend and construct so much thereof as they may deem advisable: *Provided also*, that the said company is hereby authorized and required to terminate the said rail road at Crawfordsville in Montgomery county.

Right reserv-
ed to State.

SEC. 4. It shall and may be lawful for the state at any time after the period of seventy-five years, to require said company to yield up and surrender to the state the said road and all the privileges hereby conferred, and all those conferred by the act to which this is an amendment, on giving the said company one years notice of such intention, and

paying to said company the value of said road and its buildings, warehouses, wharves, and landing places and other property connected therewith.

SEC. 5. This act to be in force from and after its publication in the Western Annalator, a paper printed in the town of Salem.

CHAPTER XXXIV.

An Act to locate a State Road from Mill's mill, in Wayne county, to the falls of Fall creek, in Madison county.

[APPROVED, JANUARY 2, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That Jesse H. Healey of the county of Henry, be, and he is hereby appointed a commissioner, to view, mark and locate a state road, commencing at Seth Mill's mill in Wayne county, thence the nearest route that suitable ground for a road can be had, to Samuel Howard's in Henry county; thence south on the Fort Wayne road, to the line dividing the farms of said Howard and Absalom Harvey; thence the nearest route that suitable ground can be found, to the falls of Fall creek in Madison county, having due regard to private property, and to roads that are already located and cut out, but not so as materially to increase the length of the road.

SEC. 2. The commissioner aforesaid shall proceed on the first day of March next, or on some subsequent day, previous to the first day of June thereafter, after taking an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark, and locate said road; and shall make all necessary surveys, taking with him a surveyor, chain-carriers, and a marker for that purpose; and shall within ten days after the locating thereof, cause a report of the same to be filed in each of the clerk's offices of the counties of Henry and Madison; and it shall be the duty of the clerks of the counties aforesaid, to record the same.

SEC. 3. It shall be the duty of the boards of county commissioners in the counties aforesaid, at their next meeting after the filing of said report, to order the said road to be opened any width not exceeding forty feet, in the same way and manner as is now, or may hereafter be provided for opening and repairing roads and highways.

SEC. 4. Should a vacancy happen by death or otherwise, in the appointment of the commissioner aforesaid, the board doing county business in the county of Henry, shall fill said vacancy by appointing some fit person, who shall be

Location,
when to be
made.

Road to be
opened.

Vacancy.

Compensa-
tion.

governed in all respects as the commissioner appointed by this act.

SEC. 5. It is hereby made the duty of the several boards of county commissioners, in the counties of Henry and Madison, to make to said commissioner an allowance of one dollar per day, and to his surveyor one dollar and fifty cents per day, and to the chain-carriers and marker each seventy-five cents per day, which shall be paid out of the treasuries of the counties of Henry and Madison, in proportion to the length of said road in each.

This act to take effect and be in force from and after its publication in the Indiana Journal and Democrat.

CHAPTER CXXXV.

An Act to locate a state road from Fort Wayne in Allen county, up and along the west side of the Little St. Joseph River, to the state line on its eastern boundary.

[APPROVED DECEMBER 24, 1833.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas L. Yates, Thomas W. Swinney and John Spencer, be, and they are hereby appointed commissioners to view, mark and locate a state road from Fort Wayne in Allen county; commencing at the public square in said town, thence across the river St. Mary, thence along the feeder line of the Wabash and Erie canal, thence up and along the Little Saint Joseph river, and as near the mouth of Cedar creek as practicable, thence up and along the last said river to the point where the eastern boundary of this state crosses the same.

Com's when
to meet &c.

SEC. 2. The said commissioners, or any two of them, shall meet at the town of Fort Wayne, on the first Monday of February next, or as soon thereafter as they may think proper; and after having severally taken an oath faithfully to discharge the duties assigned them by law, shall proceed to view, mark and locate the said road on the nearest and best ground that can be had between the said points, and shall within thirty days thereafter, cause a report thereof, showing the length of said road, to be filed in the clerk's office, the same to be recorded in the record book of the board doing county business, within ten days therefrom.

Surveyor &c. SEC. 3. The commissioners may appoint a surveyor and chain carriers: they shall keep a correct account of the number of hands employed, as well as the time employed in discharging the duties enjoined by this act, and to file a re-

port thereof in the clerk's office, to be laid by him before the board doing county business.

SEC. 4. The board doing county business in said county, in which the said road extends, shall, when the accounts of ^{Com's acpts} how paid. the said commissioners be [are] laid before them, make such order for the payment of the same, as they shall deem just and reasonable, the same to be paid out of the treasury of the said county.

SEC. 5. It shall be the duty of the board doing county business in said county, to cause the said road to be opened Road to be not exceeding sixty feet, and made agreeably to, and under the provisions of "an act for opening and repairing roads and highways."

This act to take effect and be in force from and after its passage.

CHAPTER CXXXVI.

An Act to locate the Connersville and Brookville State Road.

[APPROVED DECEMBER 27, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Beckett of Fayette county, and James Blackridge of Franklin county, be, and they are hereby appointed commissioners, to view, mark, and locate a state road commencing at Connersville in Fayette county, thence to West Union in Fayette county, thence the nearest and best way to the town of Greensborough in Franklin county, thence to the town of Brookville in Franklin county.

SEC. 2. That the said commissioners shall, on the second Monday in March next, or on some day thereafter, proceed to view, mark, and locate said road, and make the necessary surveys, taking with them a sufficient number of chain-bearers and markers, and a surveyor; and shall within thirty days after the location thereof, cause a report to be filed in each of the clerk's offices in the counties through which said road may pass; which said report shall within twenty days thereafter, be recorded in the record books of the several boards doing county business in said counties.

SEC. 3. That the said commissioners are hereby authorized, previously to making any absolute location of said road, to take releases of the several individuals through whose land said road may run, of all damages which any such individuals may sustain in consequence of said road running through his, her, or their lands; and such release shall be by such commissioners deposited in the clerk's office of the county in which the land owned by the person

nd of Dowl
lodge

Vacancy.

giving such release, may lie; which said release shall forever bar any claim for damages in favour of the person giving the same in consequence of said road running through his, her, or their lands.

SEC. 4. That in case said commissioners shall, by reason of death, refusal to qualify, or otherwise, be unable to discharge the duties enjoined by this act, it shall be the duty of the board doing county business in the county where such vacancy occurs, to appoint some suitable person to act as such commissioner at their first meeting after such disability or refusal to qualify may happen.

Oath of commissioners.

SEC. 5. No persons shall be allowed to act as such commissioners until they shall have been duly sworn by some person authorized to administer oaths, faithfully to discharge their duties as such commissioners; and it shall be the duty of the several boards doing county business in each county through which said road may pass, to pay all persons necessarily employed in such location, a reasonable compensation for his or their services, in proportion to the length of said road in each county.

This act to be in force from and after its publication in the Indiana Sentinel, a weekly newspaper published in Connersville.

CHAPTER CXXXVII.

An Act to locate a State Road from the Michigan Road to Vernon.

[APPROVED DECEMBER 28, 1833.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James M. Crawford and Jesse B. Fugit, of the county of Decatur, and Adam Keller of the county of Jennings, be, and they are hereby appointed commissioners to view, mark and locate a state road, commencing where the Michigan road crosses the east boundary line of Shelby county, thence south on said line or as near thereto as practicable, to Ridlin's ford on Flatrock, thence on a road that is already laid out to Clift below Joseph Groves', thence south through William E. Crawford's lane, thence south to David Howe's, thence an easterly direction eighty poles to intersect the Vernon road, thence south on said road to Adam Keller's mill on Sand Creek, thence on the Vernon and Fort Wayne road to the town of Vernon in Jennings county.

SEC. 2. Said commissioners shall meet at the town of St. Omer in the county of Decatur, on the first Monday in June next, or on some subsequent day, and after having taken an oath, before some person duly authorized to admin-

Com'ts when
to meet &c.

ister the same, faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, mark and locate said road, taking with them a surveyor and a sufficient number of chain carriers and markers for that purpose; and shall within thirty days after said location, cause a report of the same to be filed in each of the clerk's offices of the counties of Decatur and Jennings; and it shall be the duty of the clerks of the counties aforesaid, to record said report in the record books of the boards doing county business in said counties, within ten days after the filing of the same.

SEC. 3. It shall be the duty of the boards doing county business in each of the counties aforesaid at their next meeting, after the filing of said report, to cause said road to be opened any width not exceeding forty feet, in the same way as is now or may hereafter be provided by law, for the opening and repairing public roads and highways.

SEC. 4. Should any vacancy happen by death, resignation or otherwise, it shall be the duty of the board doing county business in the county where such vacancy may happen, to appoint some suitable person to fill such vacancy, who shall take the same oath before entering upon the duties herein required, as is required of the commissioners herein appointed.

SEC. 5. It is hereby made the duty of the boards doing county business, in the counties of Decatur and Jennings aforesaid, to allow said commissioners the sum of one dollar per day each, for their services, and to allow the chain carriers and markers, such sum as shall have been agreed on by said commissioners; and the several sums so allowed, shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any money not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER CXXXVIII.

An Act to establish and locate a State Road from the east bank of the Wabash River opposite Perryville, to the narrows of Sugar Creek, in Parke county.

[APPROVED JANUARY 13, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Robb, of the county of Fountain, be, and he is hereby appointed to view, mark and locate a state road, commencing on the east bank of the Wabash river, opposite the town of Perryville, in the county of Ver-

Road to be
opened.

Vacancy.

Compensa-
tion.

Route.

million, running thence to the corner of section No. 36, township No. 19, N. of range No. 9 W.; thence to Kiger's mill on Coal creek, in the county of Fountain, thence to the half mile stake, on the line dividing sections six and seven, township No. 18, N. of range No. 8 W.; thence to the narrow road on Sugar creek in the county of Parke.

Duty of Commissioner, when to commence. SEC. 2. The commissioner aforesaid, on the first day of April next, or on some subsequent day, after taking an oath, faithfully and impartially to discharge the duties required of him by this act, shall proceed to view, mark and locate said road, and shall make all necessary surveys, taking with him a sufficient number of chain carriers and markers for that purpose; and shall within thirty days from the location thereof, cause a report to be made of the same, and filed in the clerk's office of the several counties through which said road may pass; and it shall be the duty of the boards doing county business therein, to cause the same to be recorded in the record books of said counties, within ten days thereafter.

Road to be opened. SEC. 3. It shall be the duty of the boards doing county business in the counties of Fountain and Parke, at their meeting next after the filing of said report, to cause the same to be opened, any width not exceeding forty feet, in the same way and manner, as is now, or hereafter may be provided, for opening and repairing roads and highways.

Vacancy. SEC. 4. Should a vacancy occur, by death, resignation or otherwise, it shall be the duty of the board doing county business in the county of Fountain, to appoint some suitable person to fill such vacancy; who shall take the same oath, before entering upon the duties herein required, as is required of the commissioner herein appointed.

Compensation. SEC. 5. The commissioner shall receive such compensation for the services required of him by this act, as the board doing county business for the counties of Fountain and Parke, may deem fair and equitable, to be paid by said counties respectively, in proportion to the length of said road in each.

CHAPTER CXXXIX.

An Act to locate a State Road from Danville in Hendricks county, via Jamestown and Thorntown in Boone county, to intersect the Indianapolis and Lafayette State Road, at or near Prairieville in Clinton county.

[APPROVED, JANUARY 20, 1834.]

Route. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That William Maxwell of the county of Boone, be, and he is hereby appointed a commissioner to view,*

mark, and locate a state road from Danville in Hendricks county, by the way of Jamestown and Thorntown in Boone county; from thence to intersect the Indianapolis and Lafayette state road, at or near the town of Prairieville in Clinton county.

SEC. 2. The said commissioner shall on the first Monday in June next, or as soon thereafter as may be practicable, take with him a surveyor and a sufficient number of chain-carriers and markers; and after taking an oath faithfully and impartially to discharge the duties assigned him by this act, proceed to view, mark, and locate the same; commencing at the north west corner of the public square in the town of Danville, and running from thence, as near as may be practicable, with the old county road to Jamestown; thence the nearest and best way to Thorntown and Prairieville, as directed in the first section of this act.

SEC. 3. The said commissioner shall within twenty days after making such location, file in the clerk's office of the several counties through which the same may pass, a correct plat of said road, and the distance between each of the designated points, together with the number of hands by him employed, and the number of days they may be necessarily employed in locating the same; and it shall be the duty of such clerks, to record the same in the record books of the boards doing county business in the several counties through which said road may pass.

SEC. 4. It is hereby made the duty of the several boards doing county business in the counties through which said road may pass, at the first session after the filing of such plat and certificate, to make such allowance to the said commissioner, surveyor, and hands employed in said location, as they may deem just and reasonable, in proportion to the distance said road may run in each of the counties aforesaid; and shall cause the same to be opened and kept *Road to be opened.*

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXL.

An Act to locate a State Road from Milton in Wayne county, to Muncietown in Delaware county.

[APPROVED, JANUARY 24, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State Route of Indiana, That David Hardman of the county of Wayne,*

Duty of commissioner, when to commence.

Plat to be filed.

Compensation.

Road to be opened.

be, and he is hereby authorized to view, mark, and locate a state road; commencing at the town of Milton in Wayne county, running from thence to Kirk's mill, from thence to Newby's mill, from thence to Hagarstown, from thence to Franklin, and from thence to Mills' mill in said county of Wayne, from thence to Muncietown in Delaware county.

SEC. 2. The commissioner aforesaid shall proceed on the first day of June next, or on some subsequent day, after first taking an oath faithfully to discharge the duties required of him by this act, to view, mark, and locate said road, and if he shall deem it necessary, take to his assistance a surveyor, and all other necessary aid for that purpose; and shall within ten days after completing the location, cause a report of the same to be filed in the clerk's office of the county of Wayne, and recorded by the clerk thereof.

Road to be opened.

SEC. 3. It shall be the duty of the board of county commissioners in the county aforesaid, at their next meeting after the filing of said report, to cause the said road to be opened any width not exceeding forty feet, in the same way and manner as is now or may hereafter be provided for opening and repairing roads and highways.

Com'r refusing to serve, county board may appoint another.

SEC. 4. If the commissioner aforesaid shall by any means refuse or neglect to perform the duties enjoined on him by this act, the board of county commissioners for said county of Wayne shall appoint some suitable person as commissioner to locate said road, who shall be governed in all respects as the commissioner appointed in this act.

Duty of com'r.

SEC. 5. It is hereby made the duty of said commissioner to have due regard to private property in locating said road, where it will not materially increase the distance thereof; and it shall be the duty of the board of county commissioners in said county, to make to said commissioner, and any other aids that he may necessarily employ in locating said road, such compensation as they may deem reasonable, which shall be paid out of the county treasury of the county of Wayne: *Provided* however, that this act shall not be so construed as to require the commissioner to locate said road any further than Mills' mill, one of the points named in this act.

Compensation.

Road from Williamsburgh to Newcastle.

SEC. 6. And there is hereby established a state road from Williamsburgh in the county of Wayne, to Newcastle in the county of Henry, as follows, to wit: commencing at the south end of main street in the town of Williamsburgh, thence south to the first section line, thence west on or near said line to where the same shall intersect a county road, thence west on said county road, by the way of James Strode's and Solomon Brown's, to the town of Newcastle; and Stephen Johnson of the county of Wayne, is

hereby appointed a commissioner to locate said road from Williamsburgh to where the same shall intersect the county road aforesaid. Said commissioner shall qualify, proceed, and be governed in all respects, and be compensated in the same manner as the commissioner appointed in the first section of this act.

This act to take effect and be in force from and after its publication.

CHAPTER CXLI.

An Act to locate a State Road from Greencastle in Putnam county, via New-Maysville and Jamestown, to Lebanon in Boone county.

[APPROVED, JANUARY 27, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route, of Indiana, That Lorenzo Talbott of Putnam county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road; commencing at the town of Greencastle in Putnam county, and running to New-Maysville in said county, thence by the way of Jamestown to Lebanon in Boone county, on the nearest and best ground that a road can be had, which shall be opened not less than forty nor more than one hundred feet wide.

SEC. 2. It shall be the duty of said commissioner on the first Monday in June next, or some subsequent day thereafter, (after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act,) to proceed to view, mark, and locate said road, and he shall make a report of the route of said road, and the distance from point to point; a copy of which shall be filed by him in the clerk's office in the several counties through which the same may pass; and it is hereby made the duty of such clerks to record the same when presented, on the record books of the board doing county business in the several counties aforesaid.

SEC. 3. The commissioner aforesaid is hereby empowered to employ a surveyor, and a suitable number of chain-carriers, should he deem it necessary, who, together with said commissioner, shall receive such compensation for their services, from the counties through which said road shall pass, in proportion to the distance in each, as to the board doing county business shall be deemed just and reasonable. It shall also be the duty of said commissioner to keep a correct account of the number of hands employed, and the time occupied in discharging the duties enjoined by this act; a copy of which he shall file in the clerk's office of the counties through which said road may run, which shall be

Duty of commissioner, when to commence.

Duty of clerk.

Compensation.

Accounts.

Vacancy.

by said clerks laid before the boards doing county business at their next session.

SEC. 4. Should said commissioner die, resign, or refuse to qualify, the board doing county business in the county where such vacancy occurs, shall at their next session appoint some suitable person to fill such vacancy, who shall be qualified as above provided.

SEC. 5. This act to take effect and be in force from after its passage.

CHAPTER CXLI.

An Act to locate a State Road from Michigan City in Laporte county, to the western boundary of the state, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Elisha Newell of the county of Laporte, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Michigan city, at the mouth of Trail creek in Laporte county, westward on a line parallel with the lake, or [as] near so as may be deemed practicable, to the western boundary of the state: and the said commissioner shall also view, mark, and locate a state road from the said Michigan City, in a north easterly direction, on a line parallel with the lake, to intersect the state line on its northern boundary.

SEC. 2. The commissioner aforesaid shall proceed on the day, and at the time the board doing county business in said county of Laporte may designate; and when a time shall be appointed by said board, the said commissioner shall, after having taken an oath faithfully and impartially to discharge the duties assigned him by this act, [proceed] to view, mark, and locate the said road or roads, and make all necessary surveys, taking with him such surveyor, chain-carriers, and markers as he may deem expedient; and within ten days after the location of either or both of said roads, cause a report of the same to be filed in the clerk's office of said county, and it shall be the duty of the clerk of said county to record the same in the record book of the board doing county business within ten days thereafter.

Road to be opened.

SEC. 3. It shall be the duty of the board doing county business in said county of Laporte, at their next meeting or at any subsequent meeting thereof, after the filing the said report, if they deem it expedient, to cause the said road to be opened any width not exceeding sixty feet, in the same

way and manner as is now, or may hereafter be provided for opening and repairing public roads and highways.

SEC. 4. Should said commissioner die, resign, or refuse Vacancy. to act, it shall be the duty of the board doing county business in said county, to appoint some suitable person to fill such vacancy, who shall take the same oath before entering upon the duties herein required, as is required of the commissioner hereby appointed.

SEC. 5. It is hereby made the duty of the board doing Compensation- county business in said county, to make to the said commissioner, chain-carriers, and markers such allowance as may seem to them just and reasonable, which shall be paid by the said county out of any money not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER CXLI.

An Act to locate a State Road from the county seat of Lagrange county, to the county seat of Elkhart count.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Abner Stilton sen'r, of the county of Elkhart, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Mon-go-que-nong in Lagrange county, to Goshen in the county of Elkhart, on the nearest and best way.

SEC. 2. The commissioner aforesaid, shall proceed on the first Monday in March, or as soon thereafter as expedient, after taking an oath faithfully and impartially to discharge the duties required of him by this act, to view, mark, and locate said road, and shall make all necessary surveys, taking with him a surveyor, chain carriers, and markers for that purpose, and shall within twenty days after the location thereof, cause a report of the same to be filed in the clerks' offices of the counties of Lagrange and Elkhart, and it shall be the duty of each of the clerks of the said counties, to record the same in the record books of the boards doing county business within fifteen days thereafter.

SEC. 3. It shall be the duty of the boards doing county business in the counties aforesaid, to cause the said road to be opened any width not exceeding sixty feet, in the same manner as is now or may hereafter be provided for opening public roads and highways.

SEC. 4. It is hereby made the duty of the boards doing Compensation- county business in the counties aforesaid, to make the cour- tion.

missioner, surveyor, chain carriers, and markers such an allowance as to them may seem just and reasonable, which shall be paid by the said counties in proportion to the length of said road in each of the said counties, out of any money not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER CXLIV.

An Act to locate a State Road in Dearborn and Ripley counties.

[APPROVED FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Mark McCracken, and Oliver Heustis of the county of Dearborn, and Thomas W. Sunman of the county of Ripley, be, and they are hereby appointed commissioners to view, mark, and locate a state road from the Lawrenceburgh and Indianapolis state road, at or near the fourteen mile stake from Lawrenceburgh, thence in a north direction to intersect the Lawrenceburgh and Rushville state road at or near a school house in the neighborhood of Sunman's mill in Ripley county.

Com't, when
to meet &c.

SEC. 2. Said commissioners shall meet at Manchester on the first Monday in April next, or at any time thereafter that they may agree upon, and after taking an oath or affirmation, faithfully and impartially to discharge their duties, proceed to view, locate, and mark the said road between the points aforesaid, taking with them a surveyor, chain-carriers and markers, for that purpose, and shall within thirty days thereafter, cause a report of their survey to be filed in the clerk's office of each of said counties, which clerks shall record the same in the record books of the boards doing county business for said counties, within ten days thereafter.

Compensa-
tion.

SEC. 3. The board doing county business in the counties aforesaid, shall make to the persons engaged in locating the road aforesaid, such allowance as they may deem reasonable, and just, to be paid out of the county treasury thereof; and should any vacancy happen in the commissioners aforesaid, the said boards respectively shall fill such vacancies.

Road to be
opened.

SEC. 4. The said boards doing county business, shall cause said road to be opened and kept in repair in their respective counties, agreeably to the act for opening and repairing public roads and highways.

CHAPTER CXI.V.

An Act to locate a State Road from Jamestown in Boone county, by way of Russelville in Putnam county, to intersect the state road leading from Crawfordsville to Rockville.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route of Indiana, That Jacob Durham of Putnam county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at Jamestown in Boone county, and from thence by the way of Russelville in Putnam county, to intersect the state road leading from Crawfordsville to Rockville.

SEC. 2. It shall be the duty of the commissioner aforesaid, on the first Monday in June next, or some subsequent day thereafter, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, shall [to] proceed to lay out a state road from point to point, as designated in the first section of this act.

SEC. 3. He shall make out a report of the route of said road, and the distance from point to point, a copy of which shall be filed by him in the clerk's offices of the counties through which said road runs, and it is hereby made the duty of the clerks of the counties through which said road runs, to record the same in the record books of said counties.

SEC. 4. The commissioner may, if he thinks it best, employ a surveyor, chain-carriers and marker, who, together with the commissioner, shall receive such compensation for their services from the several counties through which the same may pass in proportion to the distance in each county, as to the boards doing county business in said counties respectively, shall seem just and reasonable.

SEC. 5. The commissioner shall keep an account of the expense incident to the survey of said road, a copy of which shall be filed in the clerks' offices of the several counties, and be by them laid before the boards doing county business; and it is hereby made the duty of said clerks to lay the same before the said boards at their next session.

SEC. 6. The boards aforesaid may, after receiving the report of said commissioner, cause the said road to be opened any width not to exceed sixty feet.

SEC. 7. Should the commissioner aforesaid die, resign, or refuse to qualify, it shall be the duty of the board doing county business in Putnam county, to appoint some suitable person to fill such vacancy.

This act to take effect and be in force from and after its passage.

CHAPTER CXLVI.

An Act to locate a State Road from Morgantown in Morgan county, to Indianapolis.

[APPROVED, FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Andrew Shell of the county of Morgan, be, and he is hereby appointed commissioner to view, mark, and locate a state road from Morgantown, in Morgan county, in a direction to Indianapolis, so as to intersect, at some convenient point, the state road that is to be hereafter located from Indianapolis to Sparks' ferry on the Driftwood fork of White river.

Duty of com-
missioner.

SEC. 2. It shall be the duty of said commissioner, on the first Monday of May next, or as soon thereafter as he may think proper, and after taking an oath faithfully and impartially to discharge the duties prescribed by this act, to proceed to view, mark, and locate said road, and shall make a report in thirty days thereafter, of the route of said road, and the distance from point to point; a copy of which shall be filed in the clerks' offices of the several counties through which the same may pass; and it is hereby made the duty of such clerks to record the same in the record books of the boards doing county business in the several counties.

Surveyor.

SEC. 3. The commissioner aforesaid may, or may not employ a surveyor and other assistance, as he may deem most expedient.

Compensa-
tion.

SEC. 4. It shall be the duty of the boards doing county business in the several counties through which the same may pass, to allow the commissioner and surveyor, if any, such compensation as to them may seem reasonable, to be paid in proportion to the distance of said road in each county, out of any money not otherwise appropriated.

This act to be in force from and after its passage.

CHAPTER CXLVI.

An Act to locate a State Road in Dearborn county.

[APPROVED, FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel Plumer, John Dawson, and Milton Gregg of the county of Dearborn, be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at the state line dividing Indiana

and Ohio, at the state road leading from Cincinnati through Elizabethtown to the state line as above mentioned, thence running on the nearest and best ground near where John Fairfield now lives, thence up the hill at the easiest point raised, thence through Abiah Hayes' land, doing the least damage where a good road can be had, near where Hiram Duskey now lives, thence in the best direction to the stone bridge across Salt fork on the state road leading from Lawrenceburg to Rushville, until it strikes the roads leading to John Roasberry's mill on Tanner's creek, thence down either of said roads near the mill, thence up said creek to where the road now crosses said creek, running on the nearest and best ground to Thomas Darling's, thence running on the nearest and best ground to Washington Wright's in Manchester township in Dearborn county, intersecting the state road leading from Lawrenceburg to Indianapolis.

Duty of com-
missioner,
when to com-
mence.

SEC. 2. Said commissioners shall, after taking an oath to discharge the duties required of them by this act, proceed to view, mark, and locate said road, and shall within thirty days thereafter file a report thereof in the clerk's office of said county, and said clerk shall within ten days thereafter record the same in the record book of the board doing county business.

SEC. 3. The board doing county business shall make such order concerning the opening of said road as to them shall seem necessary, the width thereof not to exceed forty-eight feet, and the same shall be repaired as other roads in said county.

CHAPTER CXLVIII.

An Act to locate a State Road from Greenfield in Hancock county, to Middletown in Henry county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Montgomery of the county of Hancock, be, and he is hereby authorized to view, mark, and locate a state road; commencing at Greenfield in Hancock county, thence the nearest and best way in a north east direction to Middletown in Henry county.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday in June, or some subsequent day, after taking an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark, and locate said road, and shall make all necessary surveys, taking with him a surveyor, and a sufficient number of chain-carriers and markers for that purpose, and shall within twenty days af-

Duty of com-
missioner,
when to com-
mence.

Vacancy.

Road to be opened.

Compensation.

ter the location thereof, cause a report of the same to be filed in the clerk's office of the counties through which the [said road] may run; and it shall be the duty of said clerks to cause the same to be recorded in the record book of the board doing county business, within ten days thereafter.

SEC. 3. Should a vacancy happen by death, resignation, or otherwise, the board doing county business in the county of Hancock shall have power to fill the same.

SEC. 4. The boards doing county business through which the same may run, shall at their first or some subsequent meeting after the location of said road, cause the same to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of the several acts for opening and repairing public roads and highways.

SEC. 5. The commissioner aforesaid shall be allowed the sum of one dollar per day for every day he is necessarily employed in locating the same, to be paid out of the respective county treasuries of the counties through which said road may run, in proportion to the length of said road in the several counties through which it passes, and such compensation to the chain-carriers and markers as they may think just and reasonable.

This act to take effect and be in force from and after its passage.

CHAPTER CXLIX.

An Act to locate a State Road from Joab Woodruff's, to Franklin in Johnson county.

[APPROVED FEBRUARY 1, 1834.]

Route.

Oath and duty of com'.

Plat.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Foster of the county of Johnson, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at a point near Joab Woodruff's in the county of Johnson, thence the nearest and best way to the town of Franklin.

SEC. 2. The said commissioner shall before he enters upon the duties of his office, take an oath before some person authorized to administer the same, faithfully and impartially to discharge his duty as such, and shall on the first Monday in May next, or on some subsequent day thereafter, take to his assistance a surveyor, and a suitable number of hands to assist him in the location thereof.

SEC. 3. It shall be the duty of said commissioner within twenty days after completing the location thereof, to make out and file a plat and report of said road in the clerk's office of Johnson county, and it shall be the duty of said

clerk to record the field notes of said road in the record book of the board doing county business; and it shall be the duty of the board doing county business, to cause said road to be opened and kept in repair as other state roads opened. in this state are opened and repaired, and they shall have a right to appropriate a portion of the three per cent. fund to the improvement of said road, whenever they think proper so to do, out of any portion thereof heretofore or hereafter allotted to said county of Johnson.

SEC. 4. The board doing county business in Johnson county, shall make such allowance to said commissioner compensation, and hands as to them may seem just and reasonable, to be paid out of the county treasury of Johnson county.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CL.

An Act to locate a State Road from South Bend in Saint Joseph county, to the western boundary of the state.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route. of Indiana, That Hiram Dayton of St. Joseph county, be, and he is hereby appointed commissioner to view, mark, and locate [a state road] from South Bend in said county, thence in the most direct and eligible course to "Sumptions prairie," thence along and down the south side of the Kankakee river, as near the said river as the ground will admit, to the western boundary of the state, in the direction of the rapids of the Illinois river.

SEC. 2. The said commissioner shall attend at the town of South Bend in the county aforesaid, on the first day of March next, or as soon thereafter as convenient, and after taking an oath or affirmation faithfully and impartially to discharge the duties required of him by this act, shall proceed to view, locate, and mark the said road between the points, and in the direction aforesaid, in as straight a direction as suitable ground for the same can be found; and the said commissioner shall within the period of thirty days after the said location, cause a report to be filed in each of the clerk's offices of the counties of St. Joseph and LaPorte, which said report shall be recorded by said clerks in the record books of the boards doing county business in said counties, within twenty days from the filing of the same.

SEC. 3. Should the commissioner aforesaid die, resign, Vacancy. or refuse to qualify, it shall be the duty of the board doing

Compensa-
tion.Road to be
opened.

county business in the county of St. Joseph, to appoint some suitable person to fill such vacancy.

Sec. 4. It is hereby made the duty of the boards doing county business in the aforesaid counties of St. Joseph and Laporte, to allow the aforesaid commissioner such compensation as they may deem just for the services rendered under the provisions of this act, to be paid out of the county treasury of said counties of St. Joseph and Laporte; and the said counties shall allow a due and fair compensation to the surveyor, chain-carriers, markers, &c., employed in the surveying and marking the said road; and the said boards doing county business in said counties, shall cause the said road to be opened and kept in repair as soon as the same may be expedient, and the said road shall not be more than sixty feet wide.

This act to be in force from and after its passage.

CHAPTER CLI.

An Act to locate a State Road from Rising Sun in Dearborn county, to intersect the State Road leading from Vevay in Switzerland county to Versailles in Ripley county, at or near Cross Plains in Ripley county.

[APPROVED FEBRUARY 1, 1834.]

Route.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana, That Samuel Jelley and Nathaniel L. Squibb of the county of Dearborn, and George Richmonds of the county of Switzerland, be, and they are hereby appointed commissioners [to] view, mark, and locate a state road, commencing at the centre of main street in the town of Rising Sun in Dearborn county, and running thence on the main street aforesaid, to where the same intersects the old county road leading from Lahew's ferry, on the Ohio river, to intersect the road leading from Madison in Jefferson county, to Lawrenceburgh in Dearborn county, at or near Jacob Myres' tavern, thence on or as near said old county road as conveniently can be to Jacob Myres' tavern aforesaid, thence the nearest and best route (having due regard to private property) to intersect the state road leading from Vevay to Versailles as aforesaid.*

Sec. 2. The said commissioners are hereby authorized to employ a competent surveyor and other hands necessary for the location of said road, and the commissioners shall within thirty days after the location of said road, file, or cause to be filed a correct report of the survey and location of the portions of said road lying in the counties of Dearborn and Switzerland, in the office of the clerks of

File report
&c.

said counties respectively, and the said clerks are hereby required to record the same within ten days after receiving the same in the record book of the board doing county business in their counties respectively.

Sec. 3. Said commissioners shall for the purpose aforesaid, (or any two of them) meet at Rising Sun in Dearborn county, on or before the fifteenth day of April next, and after taking an oath or affirmation faithfully and impartially to discharge their duties as commissioners aforesaid, shall proceed to view, mark, and locate the state road above authorized.

Sec. 4. The boards doing county business in the counties of Dearborn and Switzerland are hereby required to make reasonable allowance to said commissioners, for all and every expense of and concerning the location of said road, in proportion to the distance of said road in each county, and it shall be the duty of the board doing county business in the counties aforesaid, to cause so much of said road as lies within their counties respectively, to be opened not exceeding forty feet wide, and worked as other roads are worked in said counties.

Sec. 5. This act to be in force from and after its publication in the Indiana Journal.

CHAPTER CLI.

An Act to locate a State Road from Carlisle via intermediate points to Terre Haute.

[APPROVED FEBRUARY 1, 1834.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana, That Abraham McClelland and Stephen Carrithers, Junr. of the county of Sullivan, and John Hodge, Esq. of the county of Vigo, be, and they are hereby appointed to mark, survey, and locate a state road from Carlisle by the way of Caledonia, thence through Palmer's prairie, thence by Adam Carrithers', thence to Jelien's in the county of Sullivan, thence to Terre Haute in the county of Vigo.*

Sec. 2. *Be it further enacted, That it shall be the duty of said commissioners or a majority of them, to meet at the town of Carlisle on the first Monday in June next, or on some subsequent day to be agreed upon by said commissioners, and after taking an oath faithfully and impartially to discharge their duties as contemplated by virtue of this act, shall proceed to view, mark, survey, and locate said road agreeably to the provisions of this act.*

Surveyor &c. SEC. 3. *Be it further enacted*, That the commissioners aforesaid are hereby authorized to employ a surveyor and a suitable number of chain-carriers and markers necessary to make said location; it is further made the duty of said commissioners to keep an account of the number of days which they may be necessarily employed in locating said road, a copy of which shall be placed in the clerk's offices in the counties of Sullivan and Vigo aforesaid, and it is hereby made the duty of the board of county commissioners of the two counties aforesaid, to make said road commissioners, surveyor, chain-carriers, and markers such reasonable compensation for their services as the board doing county business may deem proper, payable by said counties in proportion to the length of said road through each of said counties, out of the three per cent. fund or otherwise.

Report.

SEC. 4. *Be it further enacted*, That it shall be the duty of said commissioners within thirty days after making said location, to make out and file in the several clerk's offices of the aforesaid counties a report of their proceedings, together with a copy of the survey and field notes of said road, which report it is made the duty of said clerks to record respectively.

Road to be opened.

SEC. 3. *Be it enacted*, That the board doing county business in the counties of Sullivan and Vigo, at their next meeting after the filing of the reports of the said commissioners, to [shall] cause the said road to be opened any width not exceeding fifty feet, in the same way and manner as is now or may hereafter be made, and provided for opening and repairing public roads and highways.

This act to be in force from and after its passage.

CHAPTER CLIII.

An Act to locate a State Road in the county of Switzerland.

[APPROVED, FEBRUARY 1, 1834.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William B. Campbell, Abbott Goddard, and Martin R. Green of the county of Switzerland, be, and they are hereby appointed commissioners to view, mark, and locate a state road, beginning at New York in the county of Switzerland, and running from thence northwardly via John R. Wiley's in said county, on the nearest and best road (having due regard to private property,) to intersect the state road running from Vevay in Switzerland

county, to Rising Sun in Dearborn county, at or near the house of the widow Green's on said road.

SEC. 2. The said commissioners, or any two of them, Com's when to meet &c. shall meet at the town of New York in the county of Switzerland, on or before the 15th day of June next, and after taking an oath or affirmation faithfully and impartially to discharge their duties as commissioners aforesaid, they shall proceed to view, mark, and locate a state road as before described, and the said commissioners are hereby authorized to employ a competent surveyor and other necessary hands to assist them in the location aforesaid, and the said commissioners shall within thirty days after the location, file or cause to be filed in the clerk's office of said county of Switzerland, a true plat and copy of the survey and location of said road, which shall be recorded in the record book of the board doing county business for said county.

SEC. 3. It shall be the duty of the board doing county business for said county, to make a reasonable allowance Compensation &c. to said commissioners for their services and expenses in making such location, and it is hereby made the duty of the trustees of York and Posey townships in the county of Switzerland to cause to be opened and worked so much of said road as lies within their respective townships, not exceeding forty feet in width.

This act to be in force from and after its passage.

CHAPTER CLIV.

An Act to locate and establish a State Road from Greensburgh, to the falls of the Ohio river.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Maurice Baker and Samuel Finical of Jennings county, and Andrew Wilson of Jefferson county, be, and they are hereby appointed commissioners to locate and establish a state road from the point where the present state road from Greensburgh to Madison crosses the Decatur line; thence by Zenas and Vernon and Paris in Jennings county, and Lexington in Scott county, so as to intersect the state road leading from Lexington to Charles-ton, and from thence to the falls of the Ohio river.

SEC. 2. The said commissioners shall meet on or before the first day of May next, or as soon as convenient thereaf-
Com's when to meet &c. ter, at the court house in the town of Vervon, and having taken an oath or affirmation before some officer authorized

by law to administer the same, well and faithfully to discharge their duties as such commissioners, shall proceed to view, locate, and establish said road, on the nearest and best ground.

Surveyor &c. SEC. 3. Said commissioners are empowered to, and may appoint a surveyor, and employ all such and any other necessary agents and assistants, in and about the locating and establishing said road, and may make special contracts with any such agents or assistants; and the boards doing county business for the counties respectively, in or through which the said road may or shall be located, shall allow said commissioners, their said agents and assistants, upon the certificate of said commissioners, a reasonable compensation for their services, each in proportion to the time necessarily engaged in the proper county in and about the location of said road; and all such special contracts or positive bargains made between the said commissioners and any of their said agents or assistants, when so certified as aforesaid, shall be binding on said board, and shall be allowed accordingly if not unreasonable; and all such allowances shall be paid out of the funds of the proper county, not otherwise appropriated.

Plat. SEC. 4. The said commissioners may make or cause to be made a plat of said road, which shall be filed in the clerk's office of the board doing county business for the counties respectively, in or through which the said road may be located, and the said clerks shall record said plats when so filed.

Road may be located on any other road. SEC. 5. Whenever it can be done without materially increasing the distance or making the road less useful and convenient, the said commissioners may locate said road on any other road, in the same general direction of the way between the points aforesaid, and the plat of any such other road, if expedient and proper, may be adopted as the plat of the road first aforesaid.

Com'r to be appointed by county board of Jennings. SEC. 6. Whenever it may be necessary, the board doing county business for the county of Jennings, may appoint any suitable person as commissioner, to receive, apply and expend on said road, when so located and established as aforesaid, any appropriations thereto in money, property, or labour, to open or improve said road.

This act to take effect and be in force from and after its passage.

An Act to locate and establish a State Road from Shelbyville in Shelby county, via Hartsville in Bartholomew county, to Adam Kellar's mill in Jennings county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Alexander Gilleland of the county of Decatur, William Kritser and M. M. Hook of the county of Bartholomew, be, and they are hereby authorized and appointed as commissioners to view, mark, and locate a state road from Shelbyville in the county of Shelby, to Hartsville in the county of Bartholomew, thence to intersect the state road leading from Vernon to the Michigan road at Adam Kellar's mill.

Com'r when to meet &c. SEC. 2. The said commissioners or a majority of them, shall meet at Shelbyville on the first Monday in April next, or on any subsequent day thereafter that may be agreed on by said commissioners, and after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, mark and locate said road, embracing the points aforesaid: *Provided*, That nothing in this act shall be so construed as to authorize said commissioners to change or alter the location of a road located in 1828, by John Hendricks and others, but they are hereby authorized and required to adopt said location as far as the south line of Shelby county, and from said county line southward, they are to locate on the nearest and best ground embracing the aforesaid points.

Report. SEC. 3. When the commissioners shall have located the aforesaid road, they shall make a report describing the same, and shall cause a copy of said report to be filed in the office of each of the clerks of the circuit courts in the several counties through which said road may have been located; and it is hereby made the duty of said clerks to record the same in the book in which are recorded the proceeding of the boards doing county business in their respective counties, within twenty days after the filing thereof. And the boards doing county business in said counties, shall cause the said road to be opened any width not exceeding forty feet, and kept in repair in the same manner, and by the same means that county roads are by law to be opened and repaired.

Vacancy. SEC. 4. If any of the commissioners hereby appointed, shall refuse to serve, or his appointment be otherwise vacated, it shall be the duty of the board doing county business in the county where such vacancy shall occur, to fill the

same by appointing another to fill said vacancy, who shall be governed in all respects as heretofore provided.

This act to take effect and be in force from and after its passage.

CHAPTER CLVI.

An act to locate and establish a State Road from Robert Hankins' to David Gunning's in Shelby county.

[APPROVED, FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That A. C. Tullis and J. R. Oculi of the county of Shelby, he, and they are hereby appointed commissioners to mark and locate a state road, commencing at Robert Hankins' on the Michigan Road, thence with the county road through the town of Marion, to intersect the Shelbyville state road, at or near David Gunning's farm in Shelby county.

Com'r's when to meet &c.

SEC. 2. The said commissioners shall meet at the House of Robert Hankins, on the first Monday in May next, or on some subsequent day, and after taking an oath before some person authorized to administer oaths, shall proceed to locate and mark the road aforesaid, taking to their assistance a surveyor with a suitable number of hands to assist them in the location thereof.

Vacancy.

SEC. 3. That if any of the aforesaid commissioners refuse to qualify or otherwise vacate the appointment hereby made, it shall be the duty of the county commissioners of Shelby county to fill said vacancy by appointing some suitable person to fill said vacancy, who when appointed shall be governed by the provisions of this act.

Map.

SEC. 4. It shall be the duty of said commissioners to make out a complete map of said road, and file the same in the clerk's office of Shelby county, within twenty days after the completion of said location; and it shall be the duty of said clerk to record the same in the book in which the proceedings of the board doing county business are recorded.

Compensa-
tion.

SEC. 5. It shall be the duty of the board doing county business, to make such allowance to the commissioners hereby appointed, as well as all other hands by them employed, and shall cause the aforesaid road to be opened and kept in repair as other roads are kept in repair.

This act to take effect and be in force from and after its passage.

CHAPTER CLVII.

An Act to locate and establish a State Road from Madison by Paris and Brownstown to Bloomington.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route of Indiana, That Abram Buskirk of Monroe county, Abel Finley of Jackson county, and George McCoy of Jefferson county, be, and they are hereby appointed commissioners to view, locate, and establish a state road from Madison on the Ohio river, by Paris and Brownstown, to Bloomington.

Com'r's when to meet &c.

SEC. 2. Said commissioners shall, on or before the first day of June next, or at some convenient time thereafter, meet at or near Paris aforesaid, in Jennings county, and having taken an oath or affirmation before some officer authorized by law to administer the same, well and faithfully to discharge their duties as such commissioners, shall proceed to view, mark and locate said state road, and shall have due regard to individual rights and private property, without materially increasing the distance or making the road less useful and convenient.

SEC. 3. Wherever it can be done without materially increasing the distance and making the road less useful and convenient, the commissioners shall locate said road on any other intermediate road or roads, in the same general direction, for any part of the way.

SEC. 4. The commissioners shall make or cause to be Plat. made, a plat of said road, and shall cause the same to be recorded in the clerks' offices of the boards doing county business of the counties respectively in or through which the said road may or shall be located; and it shall be the duty of said clerks to record said plats.

SEC. 5. The commissioners shall have power to, and may Assistants &c. employ any assistants or agents necessary in and about laying out and locating said road as aforesaid; and for their compensation. services, the boards doing county business for the counties in or through which the same shall be located, in proportion to the time employed on said road in such counties respectively, shall allow and pay said commissioners and their said agents and assistants each, a reasonable compensation, upon the certificate of a majority of the commissioners, out of the three per cent, or any funds of the respective counties not otherwise appropriated; and the said commissioners shall have power to, and may make a specific contract with any such agents or assistants; and such contract or agreement so certified, shall be binding on the said boards.

SEC. 6. The commissioners are hereby authorized and Relocation of directed to review, and may in their discretion alter or Madison and

Brownstown road.

change, and they shall relocate the Madison and Brownstown state road heretofore provided for by the several act or acts of this General Assembly, in relation to this last mentioned road, so as to locate this last mentioned road on the same line with the state road provided for by this act, to be located and established as first aforesaid.

Repeal.

SEC. 7. So much of the act entitled, "An act authorizing John Newby of Jackson county, to expend certain moneys appropriated out of the three per cent. fund, on the Madison and Brownstown state road," approved January 1st, 1833, as authorizes or directs John Newby of Jackson county, to expend and lay out certain money therein named, on the Madison and Brownstown state road as therein mentioned, be, and the same is hereby repealed: *Provided however*, That after so much of the state road provided by this act to be located and established as first aforesaid, shall be relocated and established by the commissioners aforesaid, as lies between Stanfield's mill, on the north fork of the Muscatatuck river and Coffee creek, then the said Newby may, and he is hereby authorized then to lay out and expend the money aforesaid on so much of the last mentioned road as lies between the points last aforesaid. And said Newby shall be held accountable to, and shall settle his accounts with the board doing county business of Jennings county, for all money by him so received or expended; and all laws or parts of laws in relation to the state road from Madison to Brownstown, as contravene the provisions of this act, are hereby repealed.

Vacancy.

SEC. 8. If any vacancy shall be occasioned by the death, resignation, or refusal to qualify of any of the commissioners created by this act, then the board doing county business for the county where such vacancy may be occasioned, shall fill the same by appointment; and the person thus appointed to fill any such vacancy, shall, in all respects, be governed by the provisions of this act, so far as the duties prescribed by this act at the time of his appointment, may extend.

SEC. 9. This act shall take effect and be in force from and after its passage.

CHAPTER CLVIII.

An Act to locate and open a State Road from Strawtown in Hamilton county, to Miamisport in the county of Miami.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jesse Wilson, and James Hughey, of the

county of Hamilton, and William Rayburn of Miami county, be, and they are hereby appointed commissioners to view, mark, and cause to be opened a state road from Strawtown in Hamilton county, to Miamisport in the county of Miami, near the mouth of the Mississinaway river.

SEC. 2. The said Jesse Wilson and James Hughey, shall, on or before the first day of July next, meet at the town of Noblesville in the county of Hamilton, and enter into bond with sufficient security, in the penal sum of three hundred dollars, conditioned for the faithful performance of the duties assigned them by this act, and the said bond shall be filed in Hamilton county; and the said William Rayburn shall attend on or before the first Monday of July next, at Miamisport in the county of Miami, and enter into bond with sufficient security, in the penal sum of two hundred dollars, conditioned as above required, which bond shall be filed in the clerk's office of Miami county, if the same shall be then organized, [and if the said county shall not then be organized,] then the said bond shall be filed in the clerk's office of Cass county. Each of the aforesaid commissioners shall take an oath, faithfully and honestly to discharge the duties which may devolve upon them.

SEC. 3. It shall be the duty of the commissioners aforesaid, after having qualified as aforesaid, to meet at Strawtown on such day as they may agree upon, on or before the first Monday in August, and proceed to view, mark and locate said road, taking with them a sufficient number of chain-carriers, markers, and a surveyor for that purpose; and shall within twenty days after the location thereof, cause a report of their proceedings to be filed in the clerks' offices of the counties of Hamilton and Miami, and it shall be the duty of the clerks of said counties to cause the same to be recorded in the record books of the boards doing county business, within ten days thereafter.

SEC. 4. The commissioners aforesaid shall have full power and authority to select such route for said road, as to them may seem best and most convenient, without materially adding to the distance; and it shall be lawful to take and use such timber, stone or other materials, as may be necessary for the construction of said road, which may be convenient thereto; and said road may be opened and made passable to any width not exceeding thirty-five feet.

SEC. 5. All contracts, where the labour to be performed on any section or district of said road, shall be of the value and amount of ten dollars, shall be advertised by said commissioners, at least five days, by plainly written advertisements, posted in at least two public places, for the information of the people, and shall be let to the lowest responsible bidder or bidders, and shall be offered in districts of not

Com'r's when
to meet and
enter into
bond.

Duty of com-
missioners,
when to com-
mence.

Powers of
com'r's.

Width of
road.

Appropriation by the
several coun-
ties.

more than two miles; and all contractors shall be required to give bond and security for the performance of their respective contracts.

Sec. 6. The board doing county business in the county of Hamilton, is hereby authorized and required, to appropriate for the purposes of said road, the sum of two hundred and twenty-five dollars, out of any moneys which may hereafter accrue to said county, from a dividend or application of the three per cent. fund or its avails; and the board doing county business in the county of Miami, is hereby authorized and required to appropriate, for the purpose of said road the sum of one hundred and seventy-five dollars, out of any moneys which may accrue to said county, from a dividend or application of the three per cent. fund or its avails: *Provided*, That nothing heretofore provided for in this section, shall be so construed as to prevent said appropriation from being drawn from moneys accruing to said counties by the act or acts of the present session of the general assembly.

Sec. 7. It shall be the duty of said commissioners to take duplicate receipts for all moneys expended under the provisions of this act, one of which receipts shall be rendered to the board doing county business in the county of Hamilton, and the other to the board doing county business in the county of Miami, as vouchers for the faithful expenditure of the funds of said road; and the duties and labours of the commissioners aforesaid, shall cease and determine within one year, from and after the day on which they shall enter upon the duties of their appointments.

Sec. 8. Said commissioners shall be entitled to receive for each day which may be necessarily employed by them in services on said road, or appertaining thereto, the sum of one dollar and twenty-five cents, an account of which they shall make out under oath, and present to the board doing county business in the counties of Hamilton and Miami.

Sec. 9. The said commissioners are hereby authorized to draw on the counties aforesaid for the sums hereby appropriated, at any time after the location of said road shall have been made and recorded, and the order or draft of said commissioners on said counties, shall be jointly signed by them.

Sec. 10. Should said commissioners, or either of them, refuse to qualify, or vacate his appointment by removal or otherwise, the board doing county business in the county where such vacancy occurs, shall have power to fill such vacancy or vacancies.

Sec. 11. Said commissioners shall be governed in their settlements with the counties of Hamilton and Miami, and shall be subjected to the same liabilities as are provided

Receipts.
Duties of
com'rs when
to cease.

Compensa-
tion.

Appropria-
tions, how
drawn.

Vacancy.

Settlements.

for in the 7th section of the "act to appropriate a part of the three per cent. fund," approved, January 31st, 1833.

Sec. 12. This act to be in force from and after its publication in the Indiana Democrat and Indiana Journal.

CHAPTER CLIX.

An Act to establish a State Road from Rockville in Parke county, to Bowlinggreen in Clay county.

[APPROVED, DECEMBER 24, 1833.]

Route.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana.* That Robert Mitchell of Parke county, be, and is hereby appointed a commissioner to view, survey, locate and mark a state road from Rockville in Parke county, to Bowlinggreen in Clay county.

Location,
when to be
made.

Sec. 2. Said commissioner shall meet at Rockville, on the first Monday of May next, or as soon thereafter as may be convenient, and after having been duly sworn to discharge the duties required of him by this act, shall proceed to view, locate and mark a state road from Rockville to Bowlinggreen, crossing Big Raccoon creek at Seybold's ford, and running said road on the best route that will subserve the public interest, without being confined to the Expenses. most direct route.

Sec. 3. The expenses of carrying into effect the requisitions of this act, shall be defrayed out of the county treasuries of the counties of Parke and Clay, in proportion to the distance said road runs in each county, to be allowed by the board doing county business; said commissioner to be allowed one dollar per day for his services.

Compensa-
tion.

Sec. 4. The surveyor, chain-men and markers, shall be allowed a reasonable compensation, to be adjudged by the commissioner appointed by this act.

Road to be
opened.

Sec. 5. It shall be the duty of the board doing county business in said counties of Clay and Parke, to cause said road to be opened in the same manner that other roads are, Survey to be filed in clerk's office. as soon after said location as practicable.

Sec. 6. It shall be the duty of the commissioner appointed under this act, to file in the clerks' offices of said counties of Parke and Clay, the survey of the road as far as it lies in said counties.

Vacancy.

Sec. 7. Should said commissioner refuse to qualify, die, or otherwise fail to perform the duties herein assigned him, the board doing county business in the county of Parke, shall fill such vacancy.

This act to be in force from and after its passage.

CHAPTER CLX.

An Act to establish a State Road from Bloomington in Monroe county, to Morgantown in Morgan county.

[APPROVED DECEMBER 24, 1833.]

Route

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Berry of Monroe county, be, and he is hereby appointed a commissioner to view, mark and locate a permanent state road from Bloomington in Monroe county, to Morgantown in Morgan county, on the nearest and best route that the nature of the ground will admit of: *Provided*, That said commissioner shall, in the location of said state road, have due respect to the rights of private property.

Duty of com'^r

SEC. 2. Said commissioner shall, after taking an oath, faithfully to discharge the duties required of him by this act, proceed to view, mark and locate said road; and shall within thirty days thereafter, file a report thereof in the clerk's office of each of said counties, and said clerks respectively, shall within ten days thereafter, record the same in the record books of the boards doing county business respectively, of said counties.

Road to be opened.

SEC. 3. Each of said boards shall, at their first session after such report is filed, cause so much of said road as lies within their county, to be opened any width not exceeding forty-eight feet, and to be repaired from time to time, under the provisions of the law for opening and repairing public roads and highways in such county.

Compensa-
tion.

SEC. 4. Such commissioner may, in his discretion, select not more than two persons, of whom one may be a surveyor, to aid him in viewing, marking and locating said road; and each of said boards shall make reasonable allowance to said commissioner, and the persons, if any, by him employed as aforesaid, as a compensation for the services on so much of said road as lies within their county; to enable them to do which, said commissioner shall file, at the time of filing said report, his account of the number of hands and days in such service on that part of said road.

Vacancy.

SEC. 5. If any vacancy shall happen in the office of said commissioner, by the death, resignation, refusal to qualify, or removal on the part of said commissioner, the said vacancy shall be filled by the board doing county business in Monroe county.

SEC. 6. This act to be in force from and after its publication in the Indiana Democrat and Journal of this place.

CHAPTER CLXI.

An Act to establish a State Road from Liberty in Union county, to the state line in a direction to Germantown, Ohio.

[APPROVED, JANUARY 13, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas McMeans, of the county of Union, be, and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at said McMeans' tavern stand near Liberty, running on a line due east or as near as the ground will admit to, Benjamin Debolt's blacksmith shop, thence to the south-east corner of section twelve, township eleven, range one west, at the state line, to intersect a state road leading from thence to Germantown, Ohio.

Location,
when to be
made.

SEC. 2. Said commissioner shall on the first Monday in June next, after taking the usual oath, proceed to view, mark, and locate the road aforesaid; and when he shall have completed the same, to cause a report thereof to be filed in the clerk's office of the said county of Union; and it shall be the duty of the said clerk to record the same in the records of the county commissioners' court; and the said county commissioners may at their next term thereafter, make to the said commissioner, such reasonable allowance for his services as they may deem proper.

Compensa-
tion.

SEC. 3. That the different supervisors, through whose Road to be districts said road may run, shall, after the location of the opened. same, cause the said road to be opened and kept in repair in the same manner as county roads.

CHAPTER CLXII.

An Act to establish a State Road from Bloomington in Monroe county, to Spencer in Owen county.

[APPROVED JANUARY 13, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Aquila Rogers of Monroe county, is hereby appointed a commissioner to view, mark and locate a permanent state road from Bloomington in Monroe county to Spencer in Owen county, on the nearest and best route that the nature of the ground will admit of, by the way of Jonathan Gilbert's: *Provided*, That such road may be located on any part of the road now connecting the aforesaid three points, should said commissioner find the same to be the best and nearest route.

SEC. 2. Said commissioner shall, after taking an oath

Duty of com'r faithfully to discharge the duties required of him by this act, proceed to view, mark and locate said road, and shall within thirty days thereafter, file a report thereof in the clerk's office of each of said counties; and said clerks respectively, shall, within ten days thereafter, record the same in the records of the boards doing county business respectively in said counties.

Road to be opened. SEC. 3. Each of said boards shall, at the first session thereof after such report is filed, cause so much of said road as lies within their county, to be opened any width not exceeding forty-eight feet, and to be repaired from time to time, under the provisions of the law for opening and repairing public roads and highways, in such county.

Compensation. SEC. 4. Such commissioner may, in his discretion, select not more than three persons, of whom one may be a surveyor, to aid him in viewing, marking, and locating said road; and each of said boards shall make a reasonable allowance to said commissioner, and the persons (if any) by him employed as aforesaid, as a compensation for the services on so much of said road as lies within their county; to enable them to do which, said commissioner shall file at the time of filing said report, his account of the number of hands and days employed in such services on that part of said road.

Vacancy. SEC. 5. Any vacancy happening in the office of said commissioner, by death, resignation, refusal to qualify, or removal, shall be filled by the board doing county business of his county.

CHAPTER CLXIII.

An Act to establish a State Road therein named.

[APPROVED FEBRUARY 1, 1834.]

County road declared a state road. SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road as now established from Columbus in Bartholomew county, by way of Azalia and Rockford, to Brownstown in Jackson county, be, and the same is hereby declared and established a state road.

Branch of M'Donald's property state road. SEC. 2. John Tripp and Joseph Brown of Jackson county, are appointed commissioners to locate and establish a branch of the McDonalds Ferry state road, and the Bethlehem state road, so as to connect said roads between Sage's Ferry and Rockford in Jackson county.

Com'r's when to meet &c. SEC. 3. Said Commissioners shall meet at John Blair's in said county, on or before the first day of September next, or at some convenient time thereafter, and having taken an oath before some officer authorized to administer the same,

well and faithfully to discharge their duties as such commissioners, shall proceed to locate and establish said branch of said roads, so as to connect the same as aforesaid, and shall have a due regard to individual rights and private property, so as not materially to increase the distance; and said commissioners may employ such agents or assistants as may be necessary in and about the location of said road; and the commissioners shall make a plat of the principal points and general direction of said road, which they shall file in the clerk's office of the board doing county business for Jackson county, where it shall be recorded.

Vacancy. SEC. 4. If a vacancy of said commissioners or either of them, shall be occasioned by any cause whatever, the board doing [county] business of Jackson county, may fill such vacancy by appointment, and the commissioner thus appointed to fill such vacancy, shall be governed in all respects by this act, so far as the duties thereof at the time of such appointment may extend.

Location to be on another road where it can be done. SEC. 5. Wherever it can be done without materially affecting the convenience and utility of said road, the commissioners shall locate the same on any other road or roads, for all or any part of the way, so as to connect the state roads first above named by the said branch thereof as nearly as may be expedient, by the nearest and best way.

Compensation. SEC. 6. The board doing county business for Jackson county, shall in their discretion, allow said commissioners, their said agents and assistants each, a reasonable compensation for their services in and about the location of said road, out of the three per cent, or any other funds not otherwise appropriated, belonging to said county.

Brownstown and Rockford road may be changed. SEC. 7. The board doing county business for Jackson county, is hereby authorized to alter, change, or relocate the state road, or any part thereof, between Brownstown and Rockford, upon petition of twelve freeholders for that purpose; and in all other respects, the said board shall be governed by the law in force for changing state roads.

Damages. SEC. 8. If any person being the proprietor of any land through or on which the said road or any part thereof may be changed or re-located, shall be injured thereby, the said board upon petition for relief on account thereof, may in their discretion, allow such proprietor such reasonable compensation for such damage as may be reasonable, just, and equitable upon the hearing of the case, out of any funds belonging to said county not otherwise disposed of, and in such manner and upon such terms as the said board in their discretion, may adjudge and fix: *Provided*, such petition be preferred within twelve months after such change or relocation shall be made.

SEC. 9. This act to take effect and be in force from and after its publication.

CHAPTER CLXIV.

An Act to establish a State Road from Dayton in Tippecanoe county, to the Michigan road in Clinton county.

[APPROVED FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel Underhill of Clinton county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Dayton in Tippecanoe county, to a point on the Michigan road, where the township line dividing townships twenty-two and twenty-three, crosses the said road in the county of Clinton.

Duty of Commissioner, when to commence.

SEC. 2. The commissioner shall, on the first Monday in June next, or on some subsequent day within thirty days thereafter, and after taking an oath or affirmation, faithfully and impartially to discharge the duties required of him by this act, proceed to view, mark and locate said road between the points aforesaid, in as straight a line as suitable ground can be had, having respect to private property so far as not materially to increase the distance of said road. And the commissioner shall, within thirty days after the location thereof, file a report of the route of said road, in each of the clerk's offices of the counties through which said road runs; and the same shall be by said clerks recorded in the record books of the several boards doing county business respectively.

Vacancy.

SEC. 3. Should the commissioner aforesaid die, resign, or refuse to qualify, the board doing county business in the county of Clinton, shall have power to fill such vacancy.

Road to be opened.

SEC. 4. It shall be lawful for the boards doing county business in the counties through which said road runs, to cause the same to be opened any width not exceeding forty feet, under the provisions of the law for opening and repairing public roads and highways.

Compensation.

SEC. 5. The boards doing county business in the counties through which the same may pass, shall allow the commissioner and all others necessarily employed by him, a reasonable compensation for their services, which allowance shall be made in proportion to the length of the road in each of the counties through which it passes.

CHAPTER CLXV.

An Act to establish a State Road from Spencer in Owen county, via Pleasant Garden in Putnam county, to Dixon's mill in Parke county.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route. of Indiana, That Oliver Cromwell of Owen county, and Joseph Hillis of Putnam county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Spencer in Owen county, the nearest and best route to Pleasant Garden in Putnam county, and from Pleasant Garden, the nearest and best route to Dixon's mill in Parke county.

SEC. 2 Said commissioners shall on or before the first Monday in May next, meet at Spencer in Owen county, or as soon thereafter as may be convenient, and after taking an oath faithfully to discharge the duties assigned them by this act, shall proceed to view, mark, and locate said road in compliance with the provisions in the first section of this act, taking with them if necessary, the necessary surveyors and chain-carriers for that purpose; said commissioners shall within thirty days after such location, cause a report thereof to be filed in the offices of Owen and Putnam counties, which clerks shall record the same in the records of the boards doing county business.

SEC. 3. If any vacancy occurs by the death, resignation, Vacancy. or refusal to serve of either of said commissioners, the board doing county business where the same shall happen, shall have power to fill the same.

SEC. 4. Each of the counties of Owen and Putnam, shall pay the expenses of their several commissioners and other incidental expenses in proportion to the distance of the road in said counties, to be allowed by the boards doing county business therein, and it shall be the duty of said boards to cause said road to be opened in said counties of Owen and Putnam, any width not exceeding fifty feet, according to the laws now in force in regard to that subject.

This act to be in force from and after its passage.

CHAPTER CLXVI.

An Act to establish points in certain State Roads in Vigo county, and for other purposes.

[APPROVED JANUARY 13, 1834.]

WAEREAIS, by an act to establish a state road from Fred- Preamble. ericksburgh in Washington county, to Terre-Haute in

Vigo county, (approved, February 2d, 1832,) "Rays," in Vigo county, is named as a point in said road, and it being uncertain what Rays was referred to in said act; and whereas, in "an act to establish a state road in Vigo county, (approved, January 2, 1833,) "Danville" instead of *Darwin, Illinois*, is by mistake inserted as a point, in the direction of which said road shall be located; for remedy whereof,

Point designat-

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That John [William]* Dunham's, (formerly William Rays) residence in the township of Reiley, county of Vigo and state last aforesaid, be, and the same is hereby designated as the point referred to in the first named act to which this is an amendment, and shall henceforth be taken and established as the same.*

Point in Illi-
nois.

SEC. 2. *That Darwin, Illinois, be, and the same is hereby established as the point referred to in the act to which this is an amendment, secondly above referred to, instead of "Danville;" and that if the commissioners appointed by said act, shall have proceeded to view, mark, and locate said road according to the true intentment of said act, their proceedings are hereby legalized; and if not, they are hereby authorized to proceed to the location of said road, being governed in all respects, except as herein provided, by the provisions of said act, they or a majority of them, meeting for that purpose at any time and place agreed upon by them: *Provided*, such location is made at any time before the first day of July next.*

This act to take effect and be in force from and after its passage.

CHAPTER CLXVII.

An Act to establish a State Road from Bedford in Lawrence county, via Washington in Daviess county to the rapids of the Wabash River, at or near the mouth of White River.

[APPROVED, JANUARY 20, 1834.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That John Allen, senior, of Daviess county, William Herriman of Martin county, and Henry Terbut of Knox county, be, and they are hereby appointed commissioners to view, mark, and locate a state road from the line of Lawrence county to the rapids of the Wabash River, at or near the mouth of White River, commencing at the line of Lawrence county where the road from Bedford in Law-*

* The name of "William" appears in the engrossed bill.

Sec'y of State.

rence county, in a direction to Washington in Daviess county strikes the line of said county, running through a part of said county; thence through Martin county; thence through Daviess county by way of Washington; thence the nearest and best way through Knox county to the point aforesaid on the Wabash.

SEC. 2. *The commissioners aforesaid, shall meet at Com'r's to Washington, on the first Monday in June next, or as soon thereafter as a majority of them may think proper; and after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, mark, and locate said road, and shall, within thirty days thereafter, cause a report thereof to be filed in the office of the clerk of each county through which the same may pass; the same to be recorded in the record books of the boards doing county business in said counties, within ten days thereafter: *Provided*, they shall have due respect to the interest and convenience of persons living on said route, where it will not materially lengthen said road.*

SEC. 3. *It shall be the duty of the boards doing county Road to be business in each county through which said road may run, opened, at their first meeting thereafter, to cause said road to be opened any width not exceeding forty feet, and made agreeably to, and under the several acts that now are, or may be hereafter in force, relative to opening public roads and highways.*

SEC. 4. *Should a vacancy happen by death, resignation, *Vacancy*. or otherwise, the boards doing county business in any county where such vacancy may occur, shall have power to fill the same, by appointing some suitable person as commissioner or commissioners, as the case may be.*

SEC. 5. *The commissioners aforesaid shall receive for Compensation. each day they may be employed in laying out said road, the sum of one dollar per day, to be paid out of the respective county treasuries of the several counties through which the same may pass, according to the time severally spent in each county, together with what shall be deemed reasonable for other expenses necessarily incurred in laying out said road.*

SEC. 6. *The county road running from Bedford in Lawrence county, to the line of said county, in a direction to Washington in Daviess county, be, and the same is hereby declared a state road.*

This act shall take effect and be in force from and after its passage.

The road
from Bedford
&c. declared
a state road

CHAPTER CLXVIII.

An Act to establish a State Road from Rising Sun to Lawrenceburgh in Dearborn county.

[APPROVED FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joel D. Cursy, John J. French, and J. Chn Callahan of the county of Dearborn, be, and they are hereby appointed commissioners to locate a state road from Rising Sun to Lawrenceburgh in said county.

Duty of commissioner, when to commence.

SEC. 2. That the said commissioners shall, on the first Monday in June next, or on some subsequent day as they may agree, after taking severally an oath, faithfully and impartially to discharge the duties enjoined upon them by this act, proceed to view, mark, and locate said road between the points aforesaid, in as straight a direction as suitable ground can be found; and in thirty days after the location of said road, the commissioners aforesaid shall file a report of the route of said road in the clerk's office of said county, which report shall be recorded in the record book of the board doing county business, in sixty days after the filing thereof.

Compensation.

SEC. 3. That the board doing county business in said county of Dearborn, shall allow the said commissioners a reasonable compensation for each day they shall be employed in viewing said road; and also a reasonable compensation to such persons as may be employed to assist in surveying and marking the same.

Road to be opened.

SEC. 4. That it shall be the duty of the board of trustees, in the several townships through which said road may pass, in a reasonable time after the same shall be located, to cause the same to be opened a proper width, not exceeding sixty feet; and ever after, the same shall be considered a state road, and worked and kept in repair in the same manner as now is, or may hereafter be provided by law, for repairing public roads or highways in said county.

Vacancy.

SEC. 5. That should a vacancy happen in the board of commissioners hereby appointed, by death, resignation, refusal to qualify, or otherwise, it shall be the duty of the board doing county business in said county, to fill such vacancy; and the person or persons so appointed, shall take a similar oath, perform like duties, and receive like compensation as are required of, or may be due to the commissioners hereby appointed.

CHAPTER CLXIX.

An Act to establish a State Road from Lexington to the thirteen mile stake on the Michigan Road in Jefferson county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route of Indiana, That Robert Meek of Scott county, and John Chambers of Jefferson county, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at Lexington in Scott county; thence the nearest and best route, having due regard to individual rights, to the thirteen mile stake on the Michigan road, at or near where the state road from Versailles in Ripley county intersects the Michigan road.

SEC. 2. Said commissioners shall meet at Lexington in Scott county, on the first Monday in June next, or some subsequent day, and after having taken an oath before some person duly authorized to administer the same, faithfully and impartially to discharge the duty required of them by this act, shall proceed to view, mark, and locate said road, taking with them a surveyor and a sufficient number of chain-carriers and markers for that purpose; and shall within twenty days after said location file a report of the same in each of the clerk's offices of the counties of Scott and Jefferson; and it is hereby made the duty of the clerks of said counties, to record the same in the record books of the boards doing county business in the said counties of Scott and Jefferson, within twenty days after filing the same.

SEC. 3. It is hereby made the duty of the board doing county business in the counties aforesaid, at their first meeting thereafter, to cause said road to be opened any width not exceeding fifty feet, and kept in repair in the same manner as is now or may hereafter be provided by law for opening and repairing public roads and highways.

SEC. 4. It shall be the duty of said boards to make said commissioners and such persons as they may have employed, such allowances as they may deem just and reasonable, and the expense of locating said road shall be paid out of the county treasury of the counties of Scott and Jefferson in proportion to the length of said road in each county, out of any money not otherwise appropriated.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CLXX.

An Act to provide for establishing a State Road from Lyon's mill in Morgan county, to Morgantown in Morgan county.

[APPROVED FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Zachariah Davee, senior, of Morgan county, be, and he is hereby appointed a commissioner to locate, mark, and lay off a state road, commencing at Lyon's mill in Morgan county, by way of Shields' ford on White river, thence the nearest and best way to Morgantown in Morgan county, having due regard to private property.

Surveyor.

SEC. 2. The commissioner aforesaid shall, if he thinks it necessary, call to his aid a surveyor, chain-carriers and marksmen, sufficient to carry the provisions of this act into effect, each of whom shall receive for his services a reasonable compensation to be paid out of the county treasury, to be allowed by the county commissioners on the certificate of said commissioner.

Compensation.

SEC. 3. It shall be the duty of said commissioner to make, if surveyed, a plain survey and plat of said road, with the courses and distances of the same, or if only marked, a plain and full description of the ground by him designated and located as such road, a copy of which shall be returned by said commissioner into the clerk's office of said county of Morgan.

Plat.

SEC. 4. The said commissioner, previous to entering upon his duties, shall take an oath to faithfully discharge the same; and shall be allowed for his services, one dollar per day for each day he may be reasonably employed in locating said road, to be paid out of the county treasury.

Oath of commissioners.

SEC. 5. The said commissioner is hereby required to enter upon the duties enjoined by this act, on the first Monday in March next, or as soon thereafter as may be convenient.

Compensation.

Duty of commissioner, when to commence.

Vacancy.

SEC. 6. Should any vacancy happen by death, resignation, or refusal to serve of said commissioner, it shall be the duty of the board doing county business in the county of Morgan aforesaid, to appoint some suitable person to fill the said vacancy, who shall take the same oath as is hereby required of the commissioner now appointed.

This act to be in force from and after its passage.

CHAPTER CLXXI.

An Act to establish a State Road from Morristown in Shelby county, to Vernon in Jennings county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route of Indiana, That Joshua Holding and Thomas Haymond, be, and they are hereby appointed commissioners to survey, mark, and locate a state road, commencing at Jackson street in Morristown in Shelby county, running east on the Brookville state road, to a point where the range line dividing ranges seven and eight east, crosses the same; thence south on said line to intersect a certain state road, to be located under an act passed the present session, leading from where the east boundary line of Shelby county crosses the Michigan road, to Vernon in Jennings county.

SEC. 2. That the commissioners shall meet in Morris town, on the first Monday of May next, or on some subsequent day, after taking an oath, faithfully and impartially to discharge the duties assigned them by this act, proceed to view, mark, and locate the said road, and may, if they deem it necessary, call to their assistance a surveyor, and chain-carrier.

SEC. 3. That when the said commissioners shall have completed the location aforesaid, they shall forthwith cause to be filed in the clerk's office of the said county of Shelby, a plain descriptive return of the location of said road.

SEC. 4. That the board doing county business in the said county of Shelby, shall at their next term after the filing of said return, cause the same to be recorded by their clerk, and to be opened and repaired as county roads are opened and repaired; and shall moreover make to such commissioners and to such surveyor and chain-carriers (if any have been employed) such compensation as they may deem reasonable.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXII.

An Act to establish a State Road from Rome in Perry county, to Paoli in Orange county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Route of Indiana, That Lewis Taylor of Perry county, be and he is hereby appointed a commissioner to mark and locate a

state road from Rome in Perry county, to pass through Oil township in said county, to Robert Yeates' in Union township in Crawford; and that the said Robert Yeates, be, and he is hereby appointed a commissioner to mark and locate and continue said road through Union and Starling townships, in said county of Crawford, to the county line between the counties of Crawford and Orange, in the direction to William Stone's, in said county of Orange; and that said William Stone, be, and he is hereby appointed a commissioner to mark, locate, and continue said road from the place of its striking the line between Orange and Crawford counties, so as to intersect the state road leading from Leavenworth to Paoli, in the direction to Paoli from said William Stone's.

SEC. 2. The said commissioners shall each severally on the first day of April next, or on some subsequent day in the year 1834, after taking an oath before some justice of the peace, faithfully and impartially to discharge the duties enjoined by this act, proceed to mark and locate said road agreeably to the provisions contained in the first section of this act, having respect to individual rights so as not materially to increase the distance of said road, and shall within thirty days thereafter, cause a report of so much of said road as is marked and located in Perry county, to be filed in the clerk's office in said county; so much of said road as is marked and located in Crawford county, to be filed in the clerk's office in said county; and of so much of said road as is within Orange county, to be filed in the clerk's office of said county—which reports shall by said clerks be recorded in the record books of the boards doing county business respectively.

SEC. 3. Should any vacancy occur by death, resignation, refusal to act, or otherwise, of any of said commissioners, it shall be the duty of the board doing county business where such vacancy shall happen, to fill the same; and each of said commissioners be allowed one dollar per day while necessarily employed in such location, to be paid by the respective counties through which said road may pass, out of the three per cent. fund which may be in their hands at the time such report is made and recorded as aforesaid. And if there be no money of the three per cent. fund in their possession at the time such reports are made as above required, then out of the first money of said fund that may be received by the counties respectively.

SEC. 4. It shall be the duty of the boards doing county business through which said road may pass, (if they deem it expedient,) to cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the

Road to be opened.

several acts that now are, or may be in force relative to the opening and keeping in repair roads and highways.

This act to take effect from and after its publication in the Indiana Journal or Indiana Democrat.

CHAPTER CLXXIII.

An Act to establish a State Road from Jasper to Troy.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Lewis Combs of the county of Dubois, Route. Frederick Conner of the county of Perry, and Joseph Evans of the county of Spencer, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Jasper in the county of Dubois, to Troy in the county of Perry. The said commissioners, or any two of them, shall meet at said town of Jasper, on the first Monday of May next, or on some subsequent day as they may think proper, and after taking an oath on affirmation, faithfully to discharge the duties assigned them by this act, shall proceed to view, mark, and locate a state road, the nearest and best way from the points aforesaid; and shall within thirty days thereafter, cause a detailed report of their proceedings to be filed in the clerks' offices of the counties respectively through which said road may be located, giving the length of said road as located in said county; and the said clerks shall within ten days thereafter, cause said reports to be recorded in the records of the boards doing county business respectively.

SEC. 2. The said commissioners may employ a surveyor and chain-carriers, if they deem it expedient, and keep an account of the number of hands, and the time occupied by themselves and assistants, a copy of which shall by them be filed in the clerks' offices of the counties through which said road may pass; and it shall be the duty of such clerks to lay the same before the boards doing county business in such counties, at their next succeeding term; and the boards doing county business in such counties shall make such order for the payment of the same, as they shall deem just and reasonable, reference being had to the distance said road may be located in such county, and all sums thus allowed, shall be paid out of the treasury of the respective counties, on the order of said commissioners, out of any moneys in such county treasuries not otherwise appropriated.

SEC. 3. And it shall be the duties of the several boards doing county business, through which said road may pass, to order the same to be opened any width not exceeding forty

Comrs when
to meet &c.

Surveyor &c.

feet, in the same manner as county roads are opened, and thereafter keep [it] in repair in all respects as other roads in the state are kept in repair.

Vacancy.

SEC. 4. Should any vacancy or vacancies occur by death, resignation, refusal to serve, or otherwise, such vacancy shall be filled or place supplied by the board doing county business in the county where such vacancy may occur, or where such person may reside, who may refuse to serve or qualify as aforesaid.

This act to be in force from and after its passage.

CHAPTER CLXXIV.

An Act to establish a State Road from Hill's Mill in Rush county, to Rezin Davis' in Shelby county.

[APPROVED FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel A. Hall, of the county of Hancock, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at Hill's mill in the county of Rush, thence along the east side of Blue River by way of Samuel A. Hall's, in Hancock county, to intersect the Indianapolis and Brookville state road near the farm of Rezin Davis, in Shelby county.

Duty of commissioner, when to commence.

SEC. 2. Be it further enacted, That said commissioner shall attend at Hill's mill in Rush county, on the first Monday in May next, or on some subsequent day thereafter, and after having taken an oath faithfully and impartially to discharge his duty as such commissioner, shall take to his assistance a surveyor and a suitable number of hands, to enable him to locate and mark said road, and shall proceed to view, mark and locate said road, and shall within twenty days after completing said location, cause to be filed in the clerk's office of the different counties, a plat of said road, accompanied by the field notes thereof; and it shall be the duty of the several clerks to record the same in the book in which the records of the boards doing county business are recorded; and the boards doing county business in the several counties, shall cause the same to be opened and kept in repair as other county roads are.

Compensation.

SEC. 3. The commissioner hereby appointed, shall take with him a surveyor and necessary chain-carriers and markers; and the boards doing county business in the several counties shall make such compensation to said commissioner, chain-carriers, and markers, as to them shall seem just and reasonable; and all the expenses hereby incurred, shall

be paid out of the county treasuries of the several counties in which said road may be so located, in proportion to the length of the road in each county respectively.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLXXV.

An Act to establish a State Road from Conwell's Mills in Franklin county, through Columbia in Fayette county, in the direction of Louisville in Henry county, to intersect the Connersville and Rushville State Road.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Marshall of the county of Fayette, be, and he is hereby appointed a commissioner to locate and mark a state road from Conwell's mills in Franklin county, to Columbia in Fayette county, and from thence in the direction of Louisville in Henry county, to intersect the Connersville and Rushville state road.

SEC. 2. That the commissioner aforesaid shall on the second Monday of May next, or on some subsequent day, after taking an oath, faithfully to discharge the duties enjoined upon him by this act, proceed to view and locate said road between the points aforesaid, the nearest and best way, doing as little injury as possible to farms. And the said commissioner shall within thirty days after the location thereof, cause a report together with a plat of said road to be filed in the clerk's office of the county of Fayette, which report shall be recorded by the clerk of said county, in the record book of the board doing county business, within ten days after the same may have been so filed.

SEC. 3. The commissioner aforesaid is hereby authorized to employ a surveyor, chain-bearers, and marker, to assist him in the location of said road; and the board doing county business in the county of Fayette shall make such allowance to the commissioner, surveyor, chain-bearers and marker, as to them may seem just and reasonable, to be paid out of the county treasury; and shall cause the same to be opened any width not exceeding forty feet, and kept in repair in the same manner that county roads are directed by law to be opened and kept in repair.

SEC. 4. Should the commissioner herein named refuse to qualify or perform the duties enjoined by this act, it shall be the duty of the board doing county business in the county of Fayette, to appoint some suitable person to fill such vacancy, who shall be governed in all respects by the provisions of this act.

Duty of commissioner, when to commence.

Compensation &c.

Vacancy.

CHAPTER CLXXVI.

An Act to relocate a part of the State Road leading from Williamsport in Warren county, to the state line in the direction of Danville, Illinois.

[APPROVED, JANUARY 30, 1834.]

Part to be re-located.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Taylor of the county of Warren, be, and he is hereby appointed a commissioner to relocate so much of the state road leading from Williamsport in the county of Warren, to the state line, in the direction of Danville, Illinois, as lies south-west of Tomlinson's run in the county of Warren, to wit: commencing where the Warrington road crosses Tomlinson's run, thence with said road to the range line, between ranges nine and ten, thence south with said line to the south-east corner of section twenty-one, in range ten, township twenty north, thence west with said section line to the south-west corner of said section, and from thence the nearest and best way to the state line in the direction of Danville, Illinois.

SEC. 2. The commissioner aforesaid shall, on the first Monday of June next, or on some subsequent day, after having taken an oath faithfully and impartially to discharge the duties assigned him by this act, proceed to view, mark, and relocate the road aforesaid, taking with him if necessary, a surveyor, chain-carriers, and marker; a plat of which location shall be filed in the clerk's office for record in said county of Warren, within thirty days after its location.

Duty of com-
missioner,
when to com-
mence.

CHAPTER CLXXVII.

An Act to relocate part of the State Road from Madison to Indianapolis.

[APPROVED FEBRUARY 1, 1834.]

Com'r's when
to meet &c.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That David Cummins, James Burns, and Smith Vawter, be, and they are hereby appointed commissioners to relocate so much of the state road leading from Madison by way of Vernon, to Indianapolis, as lies between Westgate's and the thirteenth mile post on said road.

SEC. 2. The said commissioners or any two of them, shall meet at the house of Joseph B. Westgate on the first Monday in March next, or on some subsequent day that may be agreed upon by them; and after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, mark, and relocate the state

road between the points aforesaid, on the nearest route and best ground which can be found.

SEC. 3. When the commissioners shall have relocated and marked the road as aforesaid directed, they shall make out a report describing the same, and shall file a copy thereof in the clerks' office of Jefferson county, which copy the clerk shall record in the record book of the commissioner's court, within twenty days after the filing the same: and the board doing county business shall cause the same to be opened and kept in repair.

SEC. 4. The commissioners hereby appointed, are authorized and required, at the same time they make the location, to assess the damages, if any, that may justly accrue to any individuals in consequence of such location, and report the same with their other proceedings; and the amount of damages so assessed, shall be paid to the person or persons entitled to receive the same, by the commissioners of said county of Jefferson, out of any of the three per cent. fund appropriated to said county, or by any individual who may think proper to do so; and if any person or persons, through whose land said road may run, after they have received the damages so assessed, or the same been tendered to them, shall stop up, or in any manner obstruct said road, they shall forfeit and pay for every twenty-four hours they continue any obstruction, the sum of ten dollars, to be recovered before any court having jurisdiction, upon complaint of any person who may think proper to make the same.

SEC. 5. That said commissioners shall have power, and they are hereby authorized to stipulate with the owner or owners of land on which any such relocation may be made, for a release of soil or amount of damages, as the case may be, and such agreement shall be binding on the parties.

SEC. 6. The commissioners of said county are hereby required to appropriate out of the three per cent fund belonging to said county, an amount sufficient to make the new road equally good with other contiguous parts of said road, and direct the labour of the road hands in that district, to be applied on the same, or a sufficiency thereof to keep it in good repair.

SEC. 7. The commissioners of said county shall immediately on the return of the road commissioners herein appointed, notify the persons through whose land the same may run, of the same, and they are hereby required to make their application for the damages allowed them, within ninety days from the time such notice is served, if they intend an exaction of the damages allowed, and upon failure, they shall not be entitled to recover any thing.

SEC. 8. The county commissioners of said county of Jef- Compensa-
tion.

Report.

Penalty for
obstructing
road after al-
lowance of
damages.

Release.

Appropria-
tion.

Application
for damages

ROADS STATE.

erson, shall make to the commissioners herein appointed, such compensation for their services as they may think reasonable and just.

SEC. 9. This act to be in force from and after its publication in the "Republican and Banner," printed in Madison in said county.

CHAPTER CLXXVIII.

An Act to provide for the location of the Huntington and New Cumberland State Road.

[APPROVED JANUARY 30, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Solomon Thomas of the county of Grant, be, and he is hereby appointed a commissioner to view and locate a state road, commencing at a point on the Richmond and Logansport state road, forty poles in a south direction from the house of Robert Sanders, in Delaware county, thence to run in a north-west direction so as to strike the section line dividing sections ten and eleven, ten rods north of the corner, thence to the town of New-Cumberland, thence on the nearest and best route to the Salamanie river, where the Indianapolis and Fort Wayne state road crosses, thence to the town of Huntington in Huntington county.

SEC. 2. The commissioner aforesaid shall, on the first Monday in May next, or on some subsequent day, after being duly sworn, faithfully and impartially to discharge the duties required of him by this act, proceed to view, mark, and locate said road; and shall have power, if he deems it necessary, to take to his aid a surveyor, marker, and chain-carriers, to assist in the same; and he shall within thirty days after the location thereof, cause a report of the same to be filed in the clerk's offices of each of the counties through which said road may run, which report shall within ten days after it is so filed, be recorded by the clerks of counties in the record books of the boards doing county business in such counties.

SEC. 3. The said commissioner shall be allowed the sum of one dollar and fifty cents per day for each day he may be employed, and all others that he may call to his aid shall be allowed such compensation as the board doing county business in the county of Grant may deem just.

SEC. 4. It shall be the duty of the boards doing county business in the several counties through which said road or any part of it may run, to cause the expense of the said survey and location, to be paid out of any moneys which

Duty of commissioners, when to commence.

Compensation.

Expenses how paid.

ROADS STATE.

have heretofore been, or may hereafter be appropriated out of the three per cent. fund, to the use of the roads in such counties, unless there should be a special appropriation made out of the three per cent. fund for the opening and repairing said road, then the same to be paid out of the money so appropriated on said road; and in case of such special appropriation, it shall be the duty of the commissioner appointed to lay out and expend the same, to pay or cause to be paid into the county treasury of Grant county, the amount of the expense of such location, for the use of the persons entitled to the same: *Provided however*, that nothing herein contained, shall be so construed as to require any county to pay as aforesaid, any more of the expense than that of locating so much of the road as runs through the same.

SEC. 5. Should any vacancy happen by death, resignation, or refusal to qualify on the part of the commissioner appointed by this act, it shall be the duty of the board doing county business in the county of Grant, to appoint some person to fill such vacancy.

This act to be in force from and after its passage.

Vacancy.

CHAPTER CLXXIX.

An Act to provide for the re-location of the State Road leading from Martinsville in Morgan county to Edinburg in Johnson county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William A. Majore of Morgan county, be, and he is hereby appointed a commissioner to re-locate so much of the state road leading from Martinsville in the county of Morgan, by way of Morgantown in Morgan county, to Edinburg in Johnson county, as lies between Martinsville and a certain point called Sugar Hill, on the nearest and best ground, having due regard for private property.

SEC. 2. It shall be the duty of said commissioner on the first Monday of March or some other day subsequent thereto, after taking an oath faithfully and impartially to discharge his duties, to proceed to make the re-location herein above provided, for which purpose, as far as necessary, the commissioner is authorized to employ a surveyor, chainmen and markers.

SEC. 3. It is hereby made the duty of the board doing county business in the county of Morgan, to make said commissioner a reasonable allowance for the services of him.

Compensation.

Duty of commissioner, when to commence.

Report.

self and such assistants as he may employ as above, to be paid out of the county treasury aforesaid.

SEC. 4. It is also made the duty of the said commissioner within thirty days after making said location, to file a report in writing of his proceedings in the clerk's office of Morgan county, which shall be recorded in ten days thereafter in the commissioners record by such clerk.

Vacancy.

SEC. 5. Should the commissioner aforesaid refuse to serve, it shall be the duty of the board doing county business to appoint some disinterested person to fill such vacancy, who shall be authorized to carry this act into effect.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CLXXX.

An Act to provide for the location of a State Road from Knightstown in Henry county via Hill's Mills, to Freeport in Shelby county.

[APPROVED FEBRUARY 1, 1834.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Henry B. Hill of the county of Rush, be, and he is hereby appointed a commissioner, who, after being duly sworn, shall proceed on the first day of June next, or on some subsequent day with such aids as he may deem necessary, to view, mark, and locate a state road commencing at the south end of Franklin street in Knightstown in Henry county, thence a southerly course to Hill's mills in Rush county, keeping the nearest and best route, but not so as materially to injure the private property of individuals, and the county road from Hill's mills to —— Bellvilles, where said road intersects the state road leading from Shelbyville, via Greenfield, to Andersontown, is hereby declared a state road.

Report.

SEC. 2. And said commissioner shall within twenty days after he has completed the location as aforesaid, deposit in each of the clerk's offices of the counties of Henry and Rush, a report of such location, which shall be recorded by the clerks of the aforesaid counties; and the boards of county commissioners in said counties shall make to said commissioners and such aids as he may have necessarily employed, a reasonable compensation, to be paid out of the county treasuries of said counties in proportion to the length of road in each county.

Compensation &c.

SEC. 3. It shall be the duty of the boards of county commissioners in the counties of Henry, Shelby, and Rush at their next meeting after the filing of said report, to order said road to be opened any width not exceeding forty

Road to be opened.

feet, in the same way and manner as is now or may hereafter be provided for opening and repairing public roads and highways.

SEC. 4. Should a vacancy happen by any means in the vacancy, appointment of the commissioner named in the first section of this act, the board of county commissioners of Rush shall fill such vacancy by appointing some suitable person who shall be governed in all respects as his predecessor.

This act to take effect and be in force from and after its publication.

CHAPTER CLXXXI.

An Act to provide for the location of the Muncietown and Fort Wayne State Road.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Abraham Custard of the county of Delaware, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Muncietown in Delaware county, to the town of Fort Wayne in Allen county.

SEC. 2. The commissioner aforesaid shall on the first Monday in May next, or on some subsequent day after being duly sworn faithfully and impartially to discharge the duties required of him by this act, proceed to run, mark, and locate the aforesaid road on the nearest route, and most suitable ground; and to enable him to perform his said duty, he shall have power to take to his aid a surveyor, and suitable number of chain-carriers and markers; and he shall within thirty days after the location of the same, cause a report of the same to be filed in each of the clerk's offices of the counties of Allen and Delaware; which report shall within ten days thereafter be recorded by the clerks of said counties in the record books of the boards doing county business in said counties.

SEC. 3. Should any vacancy happen by death, resignation, or refusal to qualify on the part of the commissioner appointed by this act, it shall be the duty of the board doing county business in the county of Delaware, to appoint some suitable person to fill such vacancy.

SEC. 4. It is hereby made the duty of the boards doing county business in the counties of Delaware and Allen, to cause all the expense of said survey and location to be paid out of any monies which have heretofore been or may hereafter be appropriated out of the three per cent. fund to the use of roads in said counties, unless there shall be a

Duty of Commissioner, when to commence.

Vacancy.

Compensation.

special appropriation of the three per cent. fund for the opening and repairing said road, then the same to be paid out of the money so appropriated; and it shall be the duty of the commissioner appointed to lay out and expend the same, to cause the same to be paid into the county treasury of Delaware county for the use of the persons entitled to the same.

SEC. 5. The said commissioner shall be allowed the sum of one dollar and fifty cents per day for each day he may be employed, and the surveyor, markers, and chain-carriers such compensation as the boards doing county business in the said counties of Allen and Delaware may deem just and right; all of which shall be paid as provided in the fourth section of this act.

This act to be in force from and after its passage.

CHAPTER CLXXXII.

An Act to provide for the location of certain State Roads therein named.

[APPROVED FEBRUARY 1, 1834.]

From the
Woods ferry
road to Terre
Haute.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Baugh of Monroe county, John Johnson of Owen county, and William Maxwell of Clay county, be, and they are hereby appointed commissioners to mark, view, and locate a state road from the Wood's ferry state road, at or near James Harrish's in Owen county, to Terre Haute in Vigo county, by way of a point on White river, at or near the south line of section sixteen, town nine, range four west, in Owen county aforesaid, New Brunswick in Clay county, and from thence to strike the Eel river road at the nearest and most convenient point, to Terre Haute.

SEC. 2. It shall be the duty of said commissioners on the first Monday of April next, or on some subsequent day to be agreed on by said commissioners, after having first taken an oath faithfully and impartially to discharge the duties enjoined on them by virtue of this act, to meet at the said James Harrish's in Owen county, and proceed to mark, view, and locate said road, agreeably to the provisions of the first section of this act.

Duty of com-
missioner,
when to com-
mence.

Surveyor &c.

SEC. 3. The commissioners aforesaid shall be fully authorized and empowered, if they should deem the same necessary, to employ a surveyor, and such others as, with themselves will be sufficient to mark, carry the chains, and locate said road; and it shall also be the duty of said com-

missioners within sixty days next after the location of said road as herein contemplated, to file a copy of their proceedings and field notes, in the clerk's office of the circuit court of the several counties through which said road may pass, whose duty it shall be to record the same within thirty days after the filing thereof, in the record book of the commissioners of their respective counties.

SEC. 4. Said commissioners shall receive as a compensation for their services, one dollar per day for the time they may be necessarily employed in the location of said road, to be paid out of the several county treasuries, in proportion to the distance the same may run through each of said counties; and all other persons necessarily employed in the location of said road shall in like manner be paid for their services a reasonable compensation, to be determined by the board of county commissioners of each of said counties.

SEC. 5. It shall be the duty of the boards of county commissioners of the several counties through which said road may be located, at their next regular meeting after the copy of such location thereof as herein contemplated is filed, to order said road to be opened not exceeding forty feet in width, and also give to the proper supervisors of the several road districts through which said road may pass, a list of all persons subject to labor on public roads and highways within their respective road districts, whose duty it shall be to open said road; and shall moreover make said road commissioners and all other persons engaged in the location thereof, an order for the compensation severally allowed them by virtue of this act: *Provided*, that the road hereby established shall run upon some established county or state road within the territory of the county of Vigo, if any part of the same shall be located within said county of Vigo, and each county shall pay its own commissioners.

SEC. 6. And be it further enacted, That Amos Owen of the county of Greene be appointed a commissioner to view, mark, and locate a state road from Bloomfield in Greene county, by way of Lester's ferry, to intersect the Terre Haute state road at or near Jesse Elgin's in said county.

SEC. 7. That Moses Fell, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at the line dividing Lawrence and Monroe counties, where the state road terminates, usually called the state road from William Connelly's in Lawrence county, to Greencastle in Putnam county; that the commissioner aforesaid shall locate said road on the nearest and most direct route to Springville in Lawrence county; that he shall be governed in every particular as the commissioners

Proceedings
to be filed.

Road to be
opened.

From Bloom-
field to Terre
Haute.

From the c'ty
of Spring-
ville in Law-
rence county.

were who located the above mentioned road, and his compensation shall be allowed him by the board doing county business for Lawrence county.

This act to be in force from and after its passage.

CHAPTER CLXXXIII.

An Act to authorize the location of a State Road from Marion county to Sparks' ferry in Jackson county.

[APPROVED DECEMBER 27, 1833.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Christian Kegley of Johnson county, and Stephen Sparks' of Jackson county, be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing where the three notched line intersects the state road leading from Indianapolis to Port Royal, running thence south with said line, or as high as good ground can be found till it crosses the state road leading from Franklin to Port Royal; then the nearest and best way to Sparks' ferry on the east fork of White river, running through part of Marion county, then through Johnson county, then through Bartholomew county, then through Jackson county to said Sparks' ferry.

SEC. 2. It shall be the duty of said commissioners on the first Monday in June next, or as soon thereafter as may be practicable, to meet at or near Sparks' ferry in Jackson county aforesaid, and take an oath or affirmation faithfully to discharge the duties herein enjoined, and to proceed to view, mark, survey, and locate said road on the nearest and best ground between the points above mentioned, having a proper respect for the property of individuals, wherever the same can be done without materially lengthening the distance of said road; and shall take with them a surveyor, and a sufficient number of chain-carriers and markers for that purpose; and shall within thirty days thereafter file in each of the clerk's offices in Marion, Johnson, Bartholomew, and Jackson counties their proceedings: and it shall be the duty of each of the clerks of said counties, to record the same in the record book of the board of county commissioners of his county, within ten days thereafter.

SEC. 3. It shall be the duty of the boards doing county business in each of said counties at their next session after the filing of said report, to cause said road to be opened and kept in repair in the same manner as is now, or may hereafter be provided for opening and repairing highways.

SEC. 4. Should a vacancy of either of said commission-

Com'rs when
to meet &c.

Road to be
opened.

Vacancy.

ers happen by death, resignation, or otherwise, it shall be the duty of the board doing county business for the county of Jackson or Johnson, where such vacancy may happen, immediately thereafter to fill said vacancy by the appointment of some suitable person in the proper county.

SEC. 5. The boards doing county business of each of said counties, shall allow to such commissioners, surveyor, chain-carriers, and markers, such compensation as to them may seem reasonable, which shall be paid by the counties aforesaid in proportion to the length of said road in each county, out of the three per cent. fund belonging to said counties.

CHAPTER CLXXXIV.

An Act to authorize the location of a State Road from Fort Wayne in Allen county, to Yellow river, where the Michigan Road crosses the same.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Francis Compart of the county of Allen, be, and he is hereby appointed a commissioner to mark and locate a state road from Fort Wayne in the county of Allen, the nearest and best route to Yellow river, where the Michigan road crosses the same, by way of the Turkey creek Prairie.

SEC. 2. The commissioner aforesaid shall attend at the town of Fort Wayne on the first Monday of July next, or some subsequent day that he may determine on, and after taking an oath faithfully and impartially to discharge the duties required of him by this act, shall proceed to view and mark said state road between the points aforesaid, on the nearest and best way the ground will admit; and said commissioner shall within thirty days after the location thereof, cause a report together with a plat of said road to be filed in the clerk's office of Allen county, which report shall be recorded by the clerk of said county in the record book of the board of county commissioners, within ten days after the same may be filed as aforesaid.

SEC. 3. The commissioner aforesaid is hereby authorized to employ a surveyor, chain-carriers, marker, and such other hands as may be necessary to assist in the location of said road, and the board of county commissioners of the county of Allen, shall make such allowance to the commissioner, surveyor, and hands as they may consider reasonable, to be paid out of the county treasury of Allen county; and shall cause said road to be opened any width not exceeding forty feet, (or so much of said road as will be in the

Duty of com-
missioner,
when to com-
mence.

Compensa-
tion.

county of Allen,) and kept in repair in the same manner that state roads are directed to be opened and kept in repair.

Vacancy.

SEC. 4. Should the commissioner herein named refuse to qualify, the board of commissioners of the county aforesaid shall appoint some suitable person to fill his vacancy, who shall be governed in every respect by the provisions of this act.

CHAPTER CLXXXV.

An Act to authorize Daniel Bales of Morgan county, to pay over to James T. Hadley the sum of fifteen dollars out of a road fund in his hands.

[APPROVED FEBRUARY 1, 1834.]

D. Bales to
pay \$15 to
Hadley.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel Bales, road commissioner of so much of the state road leading from Mooresville in Morgan county, to Danville in Hendricks county, as lies within the said county of Morgan, be, and he is hereby authorized and directed to pay over out of the fund appropriated on that part of said road, of which he, the said Daniel Bales is commissioner aforesaid, fifteen dollars thereof to James T. Hadley of the county of Hendricks, taking his receipt therefor, which receipt shall be taken and allowed the said Daniel Bales as a sufficient voucher for that amount of said road fund in his hands, the said amount being the amount expended by the said James T. Hadley on said road, within the said county of Morgan, out of a road fund in his hands belonging to the said county of Hendricks: *Provided* however, the said Bales shall not be required to refund said sum of fifteen dollars, if he has heretofore appropriated it on any state road in Morgan county.

SEC. 2. Should the said Daniel Bales fail or refuse to pay to the said James T. Hadley, the said sum of fifteen dollars, as directed in the first section of this act, after having been required so to do by the said James T. Hadley, the same shall be collected by action of assumpsit, in the name of the said James T. Hadley, before any justice of the peace in the proper county and township, with costs of suit; and when the same shall be collected by the said James T. Hadley, he shall appropriate or pay the same over to be appropriated on that part of said road lying within the said county of Hendricks.

SEC. 5. This act to be in force from and after its passage and publication in the Indiana Journal.

CHAPTER CLXXXVI.

An Act to authorize the survey of roads in the county of Switzerland.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever the citizens of any district or portion of the county of Switzerland, through which any road or roads now run, shall petition the board doing county business, for said county, praying said board, if they deem it expedient, to cause said road or roads to be surveyed, it shall be the duty of said county board to appoint one commissioner to superintend the survey of said road or roads.

SEC. 2. It shall be the duty of said commissioner so appointed, to employ a competent surveyor, whose duty it shall be to survey such road or roads, and to make out, within twenty days thereafter, a correct plat and field notes of such survey or surveys, and hand the same over to the commissioner under whose employ he acted; and the said commissioner shall, within ten days after receiving such plat and field notes, file or cause to be filed a true copy thereof in the office of the clerk of said county; and it is hereby made the duty of said clerk to record the said field notes in the record book of the board doing county business.

SEC. 3. It shall be the duty of the board doing county business, to liquidate and pay from the funds of said county, a reasonable compensation to such commissioner or commissioners, and such surveyor or surveyors, for their services, but that all the expense of chain-bearers, markers &c. shall be paid by the persons applying for such surveyor: *Provided*, That the clerk shall be paid by the county for his services, which shall be ten cents for each one hundred words and no more.

SEC. 4. This act to be in force from and after its publication in the Indiana Journal.

CHAPTER CLXXXVII.

An Act to authorize John Hardin of Washington county, to pay over to Nathan Maudlайн of said county, all sums of money in his hands as road commissioner of said county.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Hardin, road commissioner of Washington county, be, and he is hereby authorized and directed to pay over to Nathan Maudlайн of said county, all moneys

County board
may appoint
com'r to sur-
vey roads.

Duty of com'r

Compensa-
tion.

in his hands which may now remain unappropriated, and to take his receipt for the same, which shall be a sufficient voucher therefor.

Duty of N.
Maudlin.

SEC. 2. That said funds, when received by the said Nathan Maudlin, shall be by him appropriated, or two hundred dollars thereof (if there be that sum) towards the opening and repairing that part of the state road leading from Bedford in the county of Lawrence, by Hamner's mill in said county, and Beck's mill in Washington county, in the direction of Greenville in Floyd county that lies within the said county of Washington, and the residue, if any, he shall retain in his hands, subject to the order and direction of the board doing county business in said county of Washington.

This act to take effect and be in force from and after its publication in the Indiana Journal and Democrat.

CHAPTER CLXXXVIII.

An Act to declare a certain Road therein named, a State Road.

[APPROVED, JANUARY 6, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the road from Charlestown, in Clark county, to Walker's mills in said county, thence to Blackford's mill in Jefferson county, thence to Robert S. Bains' where it will intersect the state road leading from Madison to Paoli in Orange county, be, and the same is hereby declared a state road.

This act to take effect and be in force from and after its publication.

CHAPTER CLXXXIX.

An Act declaring a certain road therein named, a state road, and to provide for the continuation of said road.

[APPROVED JANUARY 13, 1834.]

In Ripley
county.

SEC 1. Be it enacted by the General Assembly of the State of Indiana, That a county road in the county of Ripley, commencing on the Michigan road, at or near the thirteen mile stake on said road, running thence along, in and upon said county road, through Versailles, the county seat of Ripley county, until it intersects the state road leading from Lawrenceburg in Dearborn county, to Indianapolis in Marion county, at or near the sixteen mile tree on said state

road, be, and the same is hereby declared a state road.

SEC. 2. Timothy Denison, of the county of Ripley, he, Commissioner and he is hereby appointed a commissioner to survey, mark, locate and continue the above named and created state road from the point of intersection with the Lawrenceburgh and Indianapolis state road above named, on the nearest and best ground till it intersects a state road leading from the town of Harrison, in Dearborn county, to Amos Boardman's, in Ripley county.

SEC. 3. It shall be the duty of the aforesaid commissioner, after being duly sworn, faithfully and impartially to discharge the duties assigned and contemplated by the second section of this act, to proceed on the first Monday in June 1831, or on some subsequent day in the said month of June, to survey, mark, and locate that part of the aforesaid road as contemplated by the second section of this act.

SEC. 4. It shall be the duty of such commissioner within thirty days after such survey and location, to file with the clerk of the board doing county business, in the county of Ripley, the field notes and plat of such road.

SEC. 5. It shall be the duty of the board of commissioners or the board doing county business in the county of Ripley, at their first session after such plat and field notes are filed, to order them to be recorded in the proper record book of said county; and after such location and record, it shall be, and is hereby made and declared a part of said state road, to be opened and kept in repair as other public roads and highways are opened and kept in repair.

SEC. 6. The board of commissioners, or board doing county business in Ripley county, shall allow such commissioner such compensation for his services as they shall deem reasonable and right, to be paid out of the treasury of said county; and in case such commissioner shall fail or refuse to serve, the board aforesaid shall have power to appoint a commissioner, who shall be governed by the provisions of this act, as though no appointment had been made by this act.

CHAPTER CXC.

An Act to declare certain roads therein named, state roads.

[APPROVED, JANUARY 20, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Rockport, port to Haden's ferry, the seat of justice of Spencer county, to Haden's ferry, upon the Ohio river in said county, be, and the same is hereby declared a state road.

From Madison to Lawrenceburgh.

SEC. 2. That the road commonly called the old Lawrenceburgh road, leading from Madison in Jefferson county via Samuel Marquis, Benjamin Leavitt's, Judge Cotton's, Mount Sterling and Jacksonville, to Lawrenceburgh in Dearborn county, be, and the same is hereby declared a state road.

SEC. 3. That the county road leading from Danville in Hendricks county to Greencastle in Putnam county, be, and the same is hereby declared a state road.

SEC. 4. That the road from Versailles in Ripley county, through New-Marion and Millersburg in said county, to Vernon in Jennings county, be, and the same is hereby declared a state road. The road from Brownstown in Jackson county, through Valonia in said county, to Bedford in Lawrence county, is hereby declared and established a state road.

SEC. 5. That the county road leading from Princeton in Gibson county, past the Cherry Grove, to the mouth of Patoka opposite Mount Carmel in the state of Illinois, be, and the same is hereby declared a state road.

SEC. 6. The upper or most direct road from Brownstown by Leesville to Bedford in Lawrence county, be, and the same is hereby established a state road.

From Princeton to Patoka.

From Brownstown to Bedford.

CHAPTER CXCI.

An Act to vacate a part of a State Road therein named.

[APPROVED, JANUARY 24, 1834.]

Indianapolis and Centre-ville road.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the state road leading from the town of Indianapolis to the town of Centreville in this state, as is situated west of range six east, to the northern boundary of the county of Hancock, be, and the same is hereby vacated.

Part vacated.

Norris auth-
orized to
change
Brookville
Road.

SEC. 2. And so much of said Centreville road as lies in Marion county between the county line east and the intersection of the Brookville road, be, and the same is hereby vacated; and S. W. Norris of said county of Marion, be, and he is hereby authorized to change and turn the Brookville road through his farm into the Cumberland road in such a direction as that the west side of the road shall correspond with Benjamin Atherton's house and J. L. Norris' sign post, and make a written report of the same to the board of commissioners of Marion county, as the commissioner of such change; and the said board of commissioners shall order the same to be opened and worked upon as

From Dan-
ville to
Greencastle.

From Ver-
sailles to Bed-
ford.

other roads are, and it shall thereafter be deemed and considered a part of the Brookville state road.

CHAPTER CXII.

An Act to appoint commissioners on the State Road from Fredonia, to the month of the Wabash, and for other purposes.

[APPROVED JANUARY 30, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Warren Duncan of Perry county, and John Conner of Spencer county, be, and they are hereby appointed commissioners in the place of Samuel Henman of Warrick county, and Paul Castleberry of Posey county, for the purpose of building a bridge across Anderson river on the road leading from Fredonia to the mouth of the Wabash river; and that all the powers and duties conferred upon the commissioners appointed by "an act in addition to an act entitled 'an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the said roads,'" approved January 21, 1826, and by an act amendatory thereof entitled "an act to provide for building certain bridges, and for other purposes," approved January 24, 1827, be, and they are hereby transferred to, and conferred upon the said commissioners hereby appointed; and the agent of the three per cent. fund is hereby required to pay over to said commissioners all sums of money appropriated to the building of said bridges, in the same manner as was by said acts required to be done to their predecessors, and they are authorized, empowered, and required to receive subscriptions and donations for the purpose of building such bridge; and may in their own name, sue for, and recover all sums of money subscribed or promised to be paid towards the construction of said bridges.

SEC. 2. So much of the act establishing said road as comes within the purview of this act is hereby repealed.

CHAPTER CXIII.

An Act to declare a certain county road therein named, to be a State Road.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Hastings' ferry to Orleans.

From Hastings' ferry to Orleans.

on White river in Lawrence county, running through Port William, and by Jesse Beasley's to Orleans in Orange county, be, and the same is hereby declared to be a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CXCIV.

An Act to declare a certain road thereto named, to be a State Road.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the county road leading from the town of Orleans in Orange county, to where the said road now intersects the state road leading from New Albany by Paoli, to Vincennes at George French's, be, and the same is hereby declared to be a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CXCV.

An Act declaring the county road leading from Connersville to Milton a State Road.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Connersville in Fayette county, to Milton in Wayne county, be, and the same is hereby declared a state road.

SEC. 2. It is hereby made the duty of the several boards doing county business in and for the counties of Fayette and Wayne, at their first session after the publication of this act, if in their opinion the public interest require it, to cause the same to be opened any width not exceeding fifty feet.

CHAPTER CXCVI.

An Act for the location of a State Road from a point on the Ohio line near Fort Recovery, to the town of Goshen in Elkhart county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That A. D. Woodworth of the county of Hunt-

Duty of county boards.

ington, be, and he is hereby appointed commissioner to view, mark, and locate a state road, commencing at a point on the Ohio line, near Fort Recovery, thence down the Wabash river to the town of Huntington, and from thence to the town of Goshen in Elkhart county.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday in May next, or on some subsequent day, after taking an oath or affirmation faithfully and impartially to discharge the duty required of him by this act, to view, mark, and locate said road, and shall make all necessary surveys by taking a surveyor and a sufficient number of chain-carriers and markers for that purpose, if he shall think it expedient; and shall within twenty days after the location thereof cause a report of the same to be filed in the clerk's office of the several counties through which said road passes; and it shall be the duty of the several clerks in such counties, to cause the same to be recorded in the record book of the several boards doing county business in said counties, within ten days thereafter.

SEC. 3. Should a vacancy happen by death, resignation, or otherwise, the board doing county business in the county of Huntington shall have power to fill the same.

SEC. 4. The commissioner aforesaid shall receive for compensation each day he may be employed in laying out said road the sum of one dollar, together with all reasonable expenses necessarily incurred from the location and survey of the said road, to be paid in equal proportion out of the county treasury of the several counties through which said road runs.

This act to take effect and be in force from and after its passage.

CHAPTER CXCVII.

An Act to legalize the proceedings of the commissioners of the State Road from Shelbyville to the intersection of the Indianapolis and Madison State Road near Klapp's mills.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acts and doings of George Means, zed, Martin Houser, and Peter Klapp, or a majority of them, as commissioners in the location and survey of a state road from Shelbyville by the way of Goshen and Newburn, to intersect the Indianapolis and Madison state road near Klapp's mills in Jennings county appointed for that purpose by an act approved February 2, 1833, be, and the same are hereby legalized and ratified as fully to all intents

and purposes, as if said commissioners had proceeded to the duties therein assigned them on the day in that behalf in said act designated.

SEC. 2. The road as above located by said commissioners is hereby declared and established a state road.

This act to be in force from and after its passage.

Declared a
st. road.

CHAPTER CXCVIII.

An Act declaring a certain road therein named, a State Road.

[APPROVED FEBRUARY 1, 1834.]

From New-
town to Rob
Roy.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Newtown to Rob Roy in Fountain county, be, and the same is hereby declared and established a state road, and the board of commissioners of said county of Fountain are hereby authorized to cause the said road to be opened any width not exceeding fifty feet, and to be kept in repair in such manner as now is and hereafter may be provided by law for opening and repairing state roads.

This act to take effect and be in force from and after its publication.

CHAPTER CXCIX.

An Act to amend an act entitled "an act to re-locate a part of the Martinsville, Danville, and Frankfort State Road, and for other purposes," approved February 2d, 1833.

[APPROVED DECEMBER 24, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That James Parks of Hendricks county, be, and he is hereby appointed a commissioner, and fully authorized and required to act in the stead of Thomas J. Matlock, in performing all and singular the duties required of the said Matlock, by a certain act, approved February 2d, 1833, entitled "an act to re-locate a part of the Martinsville, Danville, and Frankfort state road, and for other purposes;" and that said commissioner be allowed to retain in his hands the sum of one dollar per day for his services while employed in re-locating the said road.

This act to take effect and be in force from and after its passage and publication in the Indiana Journal.

CHAPTER CC.

An Act to amend an act entitled "an act to locate a State Road from Delphi in Carroll county, to Crawfordsville in Montgomery county," approved February 1st, 1833.

[APPROVED JANUARY 2, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State S. McDowell of Indiana, That so much of the first section of the said appointed act as appointed William Heaton of the county of Tippecanoe a commissioner to locate the state road therein named, be, and the same is hereby repealed; and all the duties assigned by the said act to the said William Heaton, are hereby transferred to John McDowell, of the county of Montgomery, who is hereby appointed a commissioner in place of the said William Heaton.

SEC. 2. The said commissioner after taking an oath ^{Route of the} faithfully to discharge the duties assigned him, shall proceed to locate the said road, commencing where the section line that runs by John Circle's mill, in Tippecanoe county, intersects the state road leading from Lafayette to Delphi, running thence south, on or as near the same section line as the ground will permit, to the town of Monroe, thence to Crawfordsville in Montgomery county, and be governed in all other respects as is prescribed in the said act to which this is an amendment.

SEC. 3. That so much of the said act as comes within the purview of this act, be, and the same is hereby repealed. ^{Repeal.}

CHAPTER CCI.

An Act to amend an act entitled "an act to provide for the location of a certain State Road therein named," approved January 24, 1832.

[APPROVED JANUARY 6, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in Washington county, be, and they are hereby authorized and required to cause so much of the state road leading from Bedford in Lawrence county, to Beck's mill in Washington county, by the way of Hammer's mill, thence to intersect the Vincennes and New Albany state road, as lies in the said county of Washington, to be opened and worked in pursuance of the provisions of the act entitled "an act for opening and repairing public roads and highways," approved February 10, 1831.

This act to take effect and be in force from and after its passage.

CHAPTER CCII.

An Act to change a part of the Shelbyville and Greenfield State Road.

APPROVED, JANUARY 6, 1834.

**Geo. Leach-
man, com'r.**

Duties.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George Leachman of the county of Hancock, be, and he is hereby appointed a commissioner, for the purposes hereinafter named. The said commissioner after being duly qualified, shall as soon as practicable, after the taking effect of this act, proceed to view, mark and locate a new route for so much of the state road leading from Shelbyville in Shelby county, to Greenfield in Hancock county, as lies between the north-east corner of Doctor David Tracy's farm and Swims' mills, a distance of about four and a half miles, laying said new route on the old county road to the Windfall, or as near thereto as good ground and the public convenience may warrant, and the residue of such route on good and suitable ground. The said commissioner may take with him the necessary hands; and shall within ten days after viewing and marking said route, file a report and description thereof in the clerk's office of Shelby and Hancock counties, who shall record the same in the record books of the boards doing county business immediately thereafter.

**Road to be
opened by 1st
Oct., elect this
act to be ino-
perative.**

SEC. 2. After such report shall be made and filed by said commissioner, it shall be lawful for any person or persons interested, to clear out and open said road a necessary width, (not exceeding fifty feet) and if said new route shall have been opened and cleared and made fit for travel a necessary width, or as well as the present road between the aforesaid points is now opened, cleared, and improved, on or before the first day of October next, then the present route, between the points aforesaid, shall from such time be vacated and set aside, and the new route aforesaid, shall become a public highway; but if said new route be not improved and opened as aforesaid by said first day of October, then the provisions of this act shall be no longer operative, and it shall be deemed to have expired by its own limitation.

**Compensa-
tion.**

Vacancy.

SEC. 3. The said commissioner shall be allowed one dollar per day for his services while necessarily employed, besides necessary expenses of hands, to be paid out of the county treasuries of said counties of Shelby and Hancock. And should any vacancy occur in the said appointment of commissioner, it shall be the duty of the board doing county business in said county of Hancock, to fill the same, and the person by them appointed, shall be governed in all respects by the provisions of this act.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER CCIII.

An Act to amend an act entitled, "an act to locate and establish a State Road from Orleans in Orange county, via Livonia in Washington county, to intersect the state road leading from New-Albany to Vincennes, in the direction of Greenville in Floyd county," approved February 2d, 1833.

[APPROVED JANUARY 13, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Part vacated of Indiana, That so much of the said state road, located by the provisions of the act above cited, as lies between the said town of Orleans and Livonia, be, and the same is hereby vacated.

SEC. 2. Be it further enacted, That so much of the state road established by an act of the General Assembly of the State of Indiana, entitled, "an act to establish a state road from Fredericksburg in Washington county, to Terre-Haute in Vigo county," approved February 2, 1832, as lies between the said town of Orleans and Livonia, be, and the same is hereby declared to be a state road.

Part of the
road from
Fredericks-
burgh to
Terre-Haute
declared a
state road.

CHAPTER CCIV.

An act to change a part of the State Road leading from New-York in Switzerland county, to intersect the State Road leading from Vevey in said county, to Versailles in Ripley county.

[APPROVED, JANUARY 15, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Enos Littlefield Esq., of the county of Switzerland, be, and he is hereby appointed a commissioner to relocate so much of the state road leading from New York in Switzerland county, to the state road leading from Vevey in said county, to Versailles in Ripley county, as lies between Loglick Creek and the Ohio River. Said commissioner shall, on or before the fifteenth day of June, 1834, attend at the house of Thomas Carter, in the said county of Switzerland, and after taking an oath, faithfully and impartially to discharge the duties of commissioner as aforesaid, proceed to relocate so much of said state road as above mentioned, by continuing said road down said Loglick creek, on the north-west side thereof, to where the range line di-

Part to be re-
located.

May employ
a surveyor &c

Compensa-
tion &c.

Board to va-
cate old road.

viding ranges one and two west, crosses said creek; thence the nearest and best route (having due regard to private property,) to the centre of the main street of the town of New-York on the Ohio River in said county.

Sec. 2. Said commissioner shall have power to employ a surveyor and a sufficient number of hands, to mark and lay out said road; and shall within thirty days thereof, file with the clerk of the circuit court of said county a correct report of the survey and relocation of said road; which report the clerk aforesaid shall within ten days thereafter record in the record book of the court doing county business.

Sec. 3. It is hereby made the duty of the board doing county business in said county, to make a reasonable allowance to said commissioner for his services as such; also to make a reasonable allowance to the surveyor and other hands necessarily employed, for their services, to be paid out of any moneys belonging to said county not otherwise appropriated.

Sec. 4. So soon as it shall be made manifest to the board doing county business, that that part of the road so relocated as aforesaid, is made passable and fit for travel, said board shall forthwith vacate the old road, or that part of said old road lying between the said Loglick creek and the Ohio river, and shall cause said vacation to be recorded.

This act to take effect and be in force from and after its passage.

CHAPTER CCV.

An Act to relocate a part of the Martinsville, Bellville, Danville, and Frankfort State Road.

[APPROVED, JANUARY 24, 1834.]

James Parks,
com'r.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That James Parks of Hendricks county, be, and he is hereby appointed a commissioner to view, mark, and relocate so much of the state road leading from Martinsville via Bellville and Danville to Frankfort in Clinton county, as lies between Danville and the northern boundary of Hendricks county.

His duty.

Sec. 2. That the said commissioner shall on the first Monday in March next, or on some subsequent day, after being sworn faithfully to discharge the duties required of him by this act, taking with him a surveyor, if he shall deem it necessary, proceed to view, mark, and relocate so much of said road as lies between Danville and the northern boundary of Hendricks county, commencing at Danville, thence

north as near as may be, on the section line to the south-east corner of section sixteen, in township sixteen north, range one west, thence on the nearest and best ground to the south-west corner of section sixteen in township seventeen north, range one west, thence the nearest and best way, to intersect the present location at or near the county line dividing the counties of Hendricks and Boone.

Sec. 3. That the said commissioner is hereby authorized to pay the expense of relocating the same out of the appropriation belonging to said road, and the remainder of said appropriation he shall expend in opening said road.

Sec. 4. The said commissioner shall within thirty days after such relocation, file in the clerk's office of Hendricks county, a correct plat or description of said road.

Sec. 5. This act to take effect and be in force from and after its passage and publication in the Indiana Journal.

CHAPTER CCVI.

An Act establishing the route of a part of the Indianapolis and Madison State Road.

[APPROVED FEBRUARY 1, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the Indianapolis and Madison state road as lies between Sugar creek and the line dividing the counties of Johnson and Bartholomew, be, and the same is hereby established, located, and confirmed on the route now cut out, and usually travelled, to wit: beginning at Campbell's ford on Sugar creek aforesaid, thence to Isaac Marshall's, thence to the forks of the Edinburgh roads, thence to William Freeman's, Elias Brock's, and Lyman's distillery, to the Edinburgh ford over Blue river, thence through Edinburgh to the Bartholomew county line.

Sec. 2. It shall be lawful for the board doing county business in Johnson county to direct the supervisors of highways, within whose districts said portion of the above named road may fall, to straighten said road by cutting off small angles and turns, so as not materially to vary the route thereof—to be done during the summer of eighteen hundred and thirty-four; and reports of such corrections to be forthwith filed by them in the clerk's office of Johnson county aforesaid.

Sec. 3. The road so as above located and authorized, is declared a state road, and all other surveys and locations of said road, between the extreme points aforesaid, are hereby vacated and set aside.

This act to be in force from and after its passage.

CHAPTER CCVII.

An Act to change a part of the State Road leading from the Cumberland to the Lafayette road at Burke's run.

[APPROVED FEBRUARY 1, 1834.]

A. H. Dawson, com'r.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That A. H. Dawson of Marion county, be, and he is hereby appointed a commissioner to re-locate a part of the state road which leads from the Cumberland road to the Lafayette road at Burke's run, in the following manner, to wit: continue said road on a due north direction from where it strikes the middle of the north east quarter of section twenty-five, town sixteen north, of range two east, to the section line dividing sections twelve and twenty-four of said town and range; thence west on said section line to the present location of said road.*

Report.

SEC. 2. *It shall be the duty of said commissioner to make report of said change to the board of commissioners of Marion county, within thirty days thereafter under oath; and said board of commissioners shall order the same to be opened. And so much of said old road as lies between the points of intersection shall thereafter be vacated; and to make such other changes on the route of said road as may be deemed [advisable] without materially altering the same in point of distance.*

CHAPTER CCVIII.

An Act entitled an act to amend an act to locate a State Road from Delphi to Muncietown, approved February 1, 1831 [1833.]

[APPROVED, FEBRUARY 1, 1834.]

J. Knight, com'r.

Compensation.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That John Knight of Carroll county, be, and he is hereby constituted the commissioner of said road in place of Samuel Harlam of Muncietown.*

SEC. 2. *The commissioner may if he thinks necessary take to his assistance a surveyor, two chain-carriers, and a marker, who shall be allowed such compensation as the boards doing county business deem reasonable; and the said commissioner shall be allowed one dollar and fifty cents for each and every day he may be necessarily employed in the discharge of the duties herein required. The expense of the location of said road shall be paid by the several counties through which it may pass, in propor-*

tion to the length of said road in each county; and so much of said road as may run through the unorganized territory, be paid for out of the three per cent, fund belonging to the counties through which said road may run.

SEC. 3. *That so much of the original act passed Febr. 1, 1831, as the first, eighteen hundred and thirty-three, as comes within the purview of this act, be, and the same is hereby repealed.*

This act to take effect and be in force from and after its passage and publication in the Indiana Democrat.

CHAPTER CCIX.

An Act to amend an act entitled "an act to establish a State Road from Fairplay in Greene county, to intersect the Vincennes State Road at or near Benjamin Stoddard's in said county," approved Feb. 1st, 1833.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That Andrew Woodruff of the county of Greene, be, and he is hereby appointed a commissioner in the place of Samuel Batman, heretofore appointed by the act to which this is an amendment, to act in conjunction with the other commissioners named in said act, and that he is hereby clothed with all the powers and privileges with which his predecessor was clothed, and that he shall be subject to all liabilities named in the original act to which this is an amendment.*

SEC. 2. *That the sum of fifty dollars mentioned and appropriated by the fourth section of said act, be, and the same is hereby appropriated to the improvement and repairing the bridge heretofore erected over Lattus creek, where the state road from Fairplay to J. W. Wines' now crosses said creek.*

SEC. 3. *That the fourth section of the act to which this is an amendment, be, and the same is hereby repealed, and that the first section of said act, so far as regards the appointment of Samuel Batman, be repealed.*

SEC. 4. *That the Osborn ferry county road, beginning at the Fredericksburgh state road near Heaton's farm in Greene county, running to Osborn's ferry, thence to the Owen county line, thence to Raleigh's mills in Clay county, thence to Terre Haute in Vigo county, be, and the same is hereby declared a state road, and the several supervisors in the counties aforesaid who may be hereafter appointed to superintend the work on said road, shall have*

power to straighten, alter and improve the same to accommodate the public.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCX.

An act to relocate a part of the Mooresville, Danville, and Crawfordsville State Road.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel A. Vorbrike of Hendricks county, be, and he is hereby appointed a commissioner to mark, view, and relocate so much of the Mooresville, Danville, and Crawfordsville state road, as lies between Danville and the farm of the widow Potts.

Duty. SEC. 2. The said commissioner shall, on or before the first Monday in March next, or on some subsequent day, after taking an oath, faithfully and impartially to discharge the duties required of him by this act, proceed to view, mark, and relocate so much of said road as lies between Danville and the farm aforesaid; commencing at the south-east corner of the public square in the town of Danville, thence south one mile, or more if necessary, making the section line the east edge of said road; thence the nearest and best way to intersect the present location at or near the farm aforesaid, having due regard to the land and farms of Richard Arnold and the widow Potts, so as not to injure the same.

Plat &c. SEC. 3. That it shall be the duty of said commissioner, within twenty days after making said relocation, to file in the clerk's office of Hendricks county, a correct plat or description of the same, whose duty it shall be to record the same in the record book of the board doing county business and lay the same before the said board at their first annual meeting thereafter; and it shall be the duty of said board to cause the same to be opened any width not exceeding sixty feet, and cause the same to be kept in repair as is otherwise provided by law for opening and repairing roads and highways.

SEC. 4. This act to take effect and be in force from and after its passage and publication in the Indiana Journal.

CHAPTER CCXI.

An Act to change part of a State Road therein named.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the state road leading from Richmond in Wayne county, to Fort Wayne in Allen county, as lies between the south line of Randolph county and the town of Winchester, be, and the same is hereby changed so as to commence at the line aforesaid on a county road heretofore located, thence along said road north by Paul Beard's saw-mill, thence along said county road to the said town of Winchester.

SEC. 2. That Samuel D. Woodworth of Randolph county, be, and he is hereby appointed commissioner to superintend the change aforesaid, and make such alterations on said county road as he may think to be of the most public utility, having respect to private property; which county road shall be considered a part of said state road; and that such commissioner be allowed a just compensation for his labour, to be paid out of the county treasury by the board doing county business for the county of Randolph.

Road from Richmond to Fort Wayne.

S. D. Woodworth com'r.

CHAPTER CCXII.

An Act to change a part of the State Road from Richmond in Wayne county, to Fort Wayne in Allen county.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the state road aforesaid as lies between the town of Newport and the northern boundary line of the county of Wayne, be, and the same is hereby changed so as to run on the old county road from where it intersects the said state road at the county line aforesaid, thence south along said county road to the town of Newport, which last mentioned road shall hereafter be taken and deemed the state road between the above mentioned points.

SEC. 2. Provided that Joseph Curtis of the town of Newport, in said county, be, and is hereby appointed a commissioner to relocate said road, and make such alterations on the old county road as he may deem a public good, having due regard to the farms and landed property of individuals along such road.

J. Curtis, com'r.

This act to be in force from and after its passage.

CHAPTER CCXIII.

An Act to amend an act entitled, "an act to locate a state road from Andersonstown in Madison county, to Logansport in Cass county," approved February 2d, 1833.

[APPROVED FEBRUARY 1, 1834.]

S. Shaul, com-
missioner-

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Saul Shaul of the county of Madison, be, and he is hereby appointed a commissioner to do and perform all the duties required of the commissioners in the act to which this is an amendment, in continuing the location of the aforesaid road from Andersonstown in Madison county, to Huntsville in said county, thence to a point where the Knightstown and Pendleton state road intersects the Newcastle and Crawfordsville state road, and shall be governed in every respect by the act to which this is an amendment.

SEC. 2. Should a vacancy happen by the commissioner aforesaid refusing to act or otherwise, the county commissioners in said county of Madison, shall fill said vacancy.

This act to take effect, and be in force from and after its passage.

Vacancy.

CHAPTER CCXIV.

An Act to re-locate a part of the State Road from Leavenworth to Paoli.

[APPROVED FEBRUARY 1, 1834.]

Commission-
ers.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Clark and Reuben Whitten of Orange county, and John McNaghten of the county of Crawford, be, and they are hereby appointed commissioners to re-locate so much of the state road leading from Leavenworth to Paoli, between the seven mile post and the town of Paoli, as may by them be deemed expedient.

Duties when
to commence.

SEC. 2. That said commissioners, or any two of them on the third Monday of March next, or any subsequent day they may determine on, after taking an oath faithfully to discharge the duties assigned them by this act shall proceed to re-locate said road between the points aforesaid.

Report.

SEC. 3. Said commissioners shall within thirty days after the re-location of said road, cause a report of said re-location to be filed in the clerk's office of the county in which said re-location may be made, which shall be recorded by said clerk in the record book of the board doing county business, within ten days after the same may have been filed as aforesaid.

SEC. 4. Should a vacancy occur by death, refusal to qualify, or otherwise, of either of said commissioners, it shall be the duty of the board of commissioners of the county in which the same may occur to appoint some suitable person to fill the same.

SEC. 5. The boards doing county business in the said counties of Orange and Crawford, shall make such compensation to said commissioners for their said services as they may deem just, to be paid out of their respective county treasuries, and cause said road so re-located, to be opened any width not exceeding twenty feet, and made agreeable to, and under the provisions of the law for opening and repairing public roads and highways.

This act to take effect and be in force from and after its passage.

Compensa-
tion.

CHAPTER CCXV.

An Act defining the duties of Commissioners appointed to locate state roads, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State Duty of Indiana, That whenever the Legislature shall appoint any commissioner or commissioners to view, mark, and locate any state road, it shall be the duty of such commissioner or commissioners, to meet at the time and place designated by the law authorizing the same, and after having been duly qualified by oath or affirmation, to faithfully and impartially discharge his or their duty or duties as such commissioner or commissioners, shall then proceed to view, mark, and locate the road for which he or they may have been appointed commissioner or commissioners as aforesaid.

SEC. 2. That in case any commissioner or commissioners, who may be appointed as aforesaid, shall die, resign, or refuse to act, then it shall be the duty of the board of county commissioners or board doing county business in such county where such death, resignation, or refusal to act, shall have taken place, to appoint some suitable person or persons to fill such vacancy or vacancies occasioned by such death or deaths, resignation or resignations, refusal or refusals; and the person or persons so appointed shall in all respects be governed as herein prescribed to any commissioner or commissioners appointed by the Legislature.

SEC. 3. That every commissioner or commissioners, shall receive the sum of one dollar for his or their service or ser- Compensa-
tion.

May employ
a surveyor &c

vices, for every day he or they may be necessarily employed in locating any state road, to be allowed by the board of county commissioners, or board doing county business, in proportion to the distance which the said road runs through each and every county, to be paid by the county treasurers of the respective counties out of any money in said treasuries not otherwise appropriated.

SEC. 4. That the commissioner or commissioners who may be appointed as aforesaid, is or are hereby empowered to employ a surveyor, chain-men, and markers, should he or they deem the same expedient in the location of any state road; and the surveyor, chain-men and markers shall severally receive and be paid a reasonable compensation for their respective services, to be allowed and paid in like manner.

Report.

SEC. 5. That it shall be the duty of said commissioner or commissioners, to make his or their return, or report of his or their proceedings, within thirty days after the location of any state road, and cause the same to be filed with the clerks of the several counties through which the said road shall have been located, and it shall be the duty of said clerks within twenty days thereafter to record the said report in the record book of the county commissioners, or boards doing county business.

This law to be in force from and after its passage.

CHAPTER CCXVI.

An Act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence, and Greene.

[APPROVED FEBRUARY 1, 1834.]

In the counties of Owen, Lawrence, & Greene. Persons liable to be called out at the discretion of the supervisor.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter in the counties of Owen, Lawrence, and Greene, each and every able bodied man of the age of twenty-one years, and under fifty, except such persons as are by the general laws now excepted, and such other persons as shall for good cause be excused by the board of commissioners, shall be subject to work on the roads and highways in said respective counties in the road district in which he resides, whenever the supervisor of such district shall consider it necessary, and if any such person has had three days notice of the time and place allotted for working any road or highway, in such district, and shall fail to attend in person or by substitute satisfactory to the supervisor, at such time and place, with such tool or implement as the supervisor may direct, or having attended, shall neglect or refuse to obey the reasonable di-

rections of the supervisor as to such work, or spend his time in idleness and neglect the business assigned him, he shall forfeit and pay the sum of fifty cents for each day's default in an action of debt, brought in the name of the supervisor, before a justice of the peace; which sum recovered, the supervisor shall expend in repairing the roads in his district: *Provided*, that persons liable to work on roads in the aforesaid counties, shall work at least as many days in each year as persons in other counties are required by the general laws to do.

SEC. 2. Every person who shall at the request of the supervisor furnish a plough or wagon with horses or oxen and a driver, and with them perform one or more days work, shall for each day's work thus performed, receive a credit for three days work, and so in proportion for services of a similar kind with greater or less force, to be allowed by the supervisor.

SEC. 3. Where there is no convenient opportunity of giving persons notice of the time and place for such work, a written notice thereof left at the usual residence of the party shall be sufficient.

SEC. 4. The board of commissioners of said several counties shall appoint a suitable number of supervisors, Board of commissioners to appoint supervisors. and designate for each of them the district and hands confided to his superintendence.

SEC. 5. If any such supervisor shall wilfully fail, refuse, Neglect of duty, or neglect to keep the road or roads in his district in good repair, or faithfully expend all monies received by him for the use and repair thereof, or to comply with any duty enjoined on him by law, he shall forfeit a sum not exceeding ten dollars, to be recovered before a justice of the peace for the use of said road or roads.

SEC. 6. No such supervisor shall receive any pecuniary compensation for his services as such, but in lieu thereof he shall be exempt from the performance of militia duty one day for each day which may by him be necessarily employed, by giving notice to persons of the time and places of working on roads aforesaid.

SEC. 7. This act is hereby declared to be in force in the counties of Owen, Lawrence, and Greene, and all laws and parts of laws requiring a road tax on the lands of residents in said counties, or coming within the purview of this act, is hereby repealed, so far and only so far as relates to said counties.

Wagon and team, allow-
ance for.

Notice.

Board of commissioners to appoint supervisors.

Neglect of duty, penalty for.

Compensa-

tion.

CHAPTER CCXVII.

An Act subjecting certain articles to sale for repairs after a certain period.

[APPROVED, FEBRUARY 1, 1834.]

Mechanic
may sell arti-
cles for the re-
pairs after one
year.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter, when any person or persons shall leave or deposit, or cause to be left or deposited with any artisan, mechanic, or tradesman, any watch, clock, article of jewelry, plate, furniture, clothing, or any other article of value, to be altered or repaired, and shall fail, neglect, or refuse within one year from the time such alteration or repairs are made to pay the fair and reasonable charges for such repairs or alterations, such artisan, mechanic, or tradesman as aforesaid, may expose such article or articles to public sale for the payment of such charges, ten days notice of such sale to be given in some public newspaper of the proper county, if one be published therein, and if not, then by written notices in three of the most public places in the proper township; the reasonable expense of such publication and notice to be paid out of the proceeds of such sale.

SEC. 2. When such article or articles shall be sold as aforesaid, so much of the proceeds of such sale as remains after the payment of the charges for such alteration and repairs, and for the publication and notice as aforesaid, shall be deposited in the hands of the treasurer of the proper county, by the person or persons making such sale, taking the treasurer's receipt therefor, which said sum shall remain for the period of one year, subject to be drawn for by the person or persons legally entitled thereto: if however, one year shall elapse before such person or persons shall make demand therefor of such treasurer, such treasurer shall loan the same out at a rate of interest not less than six per cent. per annum, upon good security; the interest thereof to be applied to the use and benefit of the county library of the proper county.

This act to be in force from and after its passage.

Surplus depo-
sited with
county treas-
urer.

Money loaned
for the use of
library.

which this act is an amendment, as appoints William Lindley commissioner, and Samuel Cobb and John Penick, appraisers for the county of Orange, be, and the same is hereby repealed; and that Andrew Wilson of the county of Orange, be, and he is hereby appointed commissioner, and John Murray and Nathan Penick, appraisers for the said county of Orange, who shall have and possess all and singular the rights, powers, and privileges, and be subject to all and singular the duties, liabilities and provisions which by the above cited act, the said William Lindley, Samuel Cobb and John Penick severally possess, and to which by the said act they are severally subject; the said commissioner hereby appointed, shall enter into a bond in the penalty of fifty thousand dollars with sufficient security to be approved of by any president judge of a judicial circuit in this state, and payable to the state of Indiana, conditioned for the faithful performance of his duty as such commissioner, which bond shall be filed by said commissioner in the office of the auditor of public accounts, together with a certificate of his having taken an oath faithfully to discharge the duties of his said office, before some person authorized to administer oaths.

SEC. 2. The commissioner appointed by the first section of this act, shall not have power to sell more than one half quarter section together at public sale, and so much of the fifth section of the act above cited, as gives the commissioners discretionary power, if they please to sell more than one half quarter section together, be, and the same is hereby repealed, so far as regards any public sale of any of said lands situated in Orange county aforesaid, by the commissioner thereof; but nothing in this section shall be so construed as to affect any private sale of any such last mentioned lands as is provided in the act to which this is an amendment, nor shall this section affect any sales of lands whether public or private, situated without said county of Orange.

SEC. 3. So much of the third section of the said act as requires the appraisers for the proper county to make out a correct map or plat of any lands therein named, and file the same in the office of the recorder of the county in which such land is situated, and the forwarding a transcript of such map or plat to the treasurer of state, be, and the same is hereby repealed.

SEC. 4. Should a vacancy occur in the office of the commissioners or appraisers, appointed by the first section of this act or either of them, by death, resignation, neglect to qualify or otherwise, then such vacancy shall be filled by the circuit court of said county of Orange, who shall appoint some suitable person or persons, as the case may be, to fill such vacancy or vacancies, which person or persons so ap-

missioner vice
Lindley and
Murray and
Penick ap-
praisers.

Bond of com-
missioner.

Powers re-
stricted.

Confined to
Orange.

Repeal.

Vacancy.

An Act to amend an act entitled, "an act to provide for the sale of certain lands therein named," approved, February 2d, 1833.

[APPROVED JANUARY 24, 1834.]

Wilson ap-
pointed com-

SEC 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the first section of the act to

pointed, shall be governed in all respects as this act and the act to which this act is an amendment, directs in the cases of such officer or officers, who shall hold such office or offices until the next meeting of the General Assembly, and until his or their successor or successors shall be appointed and qualified so much of the fourteenth section of the act to which this is an amendment, as gives the governor the power to appoint a commissioner to fill any vacancy occasioned by death, removal from office, resignation, refusal to qualify or otherwise, so far as the same relates to the county of Orange, be, and the same is hereby repealed.

SEC. 5. Should either or any of the newspapers mentioned in the sixth section of the act to which this act is an amendment, at the time of giving the notice of the sale therein mentioned, be discontinued or no longer in existence, such notice may be published in any other newspaper that the proper commissioner may designate, in lieu of such discontinued newspaper.

SEC. 6. The said commissioner shall before the appraisement of such lands, procure from the proper land office a complete plat or map of said lands in Orange county, as a guide and assistance in making such appraisement and sale, and the appraisers shall mark in figures on each half quarter section on such plat or map, the appraisement price per acre, which, after such commissioners shall make out a copy thereof to be retained in his hands for the inspection of purchasers, shall be filed with the recorder of said county, who shall forward a transcript thereof to the treasurer of state.

SEC. 7. Said commissioner shall make his report of the expense of procuring said plat or map, to a subsequent Legislature, with the proper vouchers to entitle him to a reasonable compensation therefor.

This act to take effect and be in force from and after its passage.

CHAPTER CCXIX.

An Act in relation to the moneys arising from leases of saline reservations, and for other purposes.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all moneys now or hereafter in the state treasury, arising from leases of the saline reservations, are authorized to be loaned out from time to time, with the interest accruing thereon, by the treasurer of state, under the same rules and provisions by which the funds arising from

Publication of notice for sale.

Procure map of the lands &c.

Transcript sent to the auditor. 4

Report.

the sales of the seminary lands in Gibson and Monroe counties are now authorized to be loaned; and that he include a correct statement of the situation and condition of said moneys in his annual report to this assembly.

SEC. 2. Said treasurer is authorized and required to loan said funds arising from the sales of the seminary lands (and from leases of saline reservations) as well as the funds which may arise from the sales of such reservations, at the greatest obtainable interest, not exceeding the highest rate allowed by law, and that the interest of said saline reservations is hereby set apart to the use of common schools.

Rate of interest est.

Interest set a part for schools.

CHAPTER CCXX.

An Act to amend an act entitled "an act incorporating Congressional Townships, and providing for Public Schools therein," approved February 2d, 1833.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in any school district in which there shall not have been three district trustees elected and qualified pursuant to the provision of sections 136, 137, 138, and 139 of the act to which this is an amendment, and in which no sub-trustees, appointed by a former law, may be in office, the clerk of the trustess of the congressional township, in which such district shall be situated, shall appoint three district trustees in such district, who shall hold their offices until their successors are qualified.

SEC. 2. Where there shall have been no school commissioner elected or appointed in any county, the clerk of the court of such county shall be authorized and empowered to perform and discharge the duties that would devolve upon such commissioner, by the act entitled an "act to provide a fund to encourage common schools," approved Feb. 2, 1832; and such clerk shall perform such duties, and approve the bonds of township treasurer, if there be no school commissioner, and receive the like compensation as is prescribed and allowed by said act to the school commissioner.

SEC. 3. In all cases where, under the above named act, any lands shall have been subject to a lien for any tax, penalty, or per centage, in any of the counties of this state, and the owner of such land, or other person on his behalf, shall at any time have been desirous of paying such tax, penalty, and per centage, but has been prevented from so doing by reason of there then being no school commission-

District trustees may in certain cases, be appointed by district clerk.

Where no school com'ee has been elected, the cl'k of the court shall act.

Regulation as to paying tax &c.

er of the county in which such land is or was situated; it shall and may be lawful for such owner, or any person on his behalf, to redeem such land by paying the school commissioner of the proper county, when any shall have been elected or appointed, and if not, then to the clerk of the court of such county, the amount of tax, penalty, and percentage due at the time of his application, or of readiness, and having expressed a wish to pay the same, with six per cent on that amount: and such owner or other persons on his behalf shall by disinterested affidavit prove the time of his readiness, when he expressed his wish to discharge such tax, penalty, and per centage before any deduction of interest shall be allowed as aforesaid, and such affidavit shall be filed with such commissioner or clerk.

Cir. court
shall appoint
persons to ex-
amine teach-
ers.

Oath.

Duty.

Certificates
not to lessen
power of trust-
tees.

Mistake in as-
sessing any
land, shall be
corrected by
county board.

County board
shall rectify

Sec. 4. It shall be the duty of the circuit court of each county to appoint three suitable persons as examiners of common schoolteachers, who shall hold their offices for one year, and until their successors shall be appointed and qualified.

Sec. 5. Said examiners shall each take an oath or affirmation, before some person authorized by law to administer the same, that he will make true and faithful certificates, according to the provisions of this act.

Sec. 6. It shall be the duty of each examiner to examine such persons as may apply for that purpose, and certify the branches of learning that any such applicant is qualified to teach.

Sec. 7. The certificates required by this act, are not to lessen the power conferred on the trustees by the one hundred and seventy-second section of the act to which this is an amendment, but the same may be used as auxiliary to aid said trustees in determining the qualifications of teachers.

Sec. 8. Whenever any mistake shall have been made in the description of any tract of land or town lot, in assessing the same, the board doing county business of the proper county, upon application, and said mistake appearing to said board, shall correct any such mistake; and where the tax shall have been actually paid upon any such tract or lot different or other than that upon which the tax was intended to have been paid, the said board shall rectify the same, by applying the amount so paid, in payment of the tax of the tract or lot upon which said tax was intended to have been paid: and it shall be the duty of the clerk of said board to give such applicant a certificate of relief granted, which being filed with the school commissioner of the county, shall release said property from the amount so paid.

Sec. 9. The board doing county business shall rectify any mistakes in the description of any lot or lands, at any time before or after the same shall have become forfeited by the

seventh [section] of the act entitled, "an act to provide a fund for common schools," approved February 2, 1832; and the several collectors of taxes are authorized to rectify any such mistakes in the description of any lots or lands, which may have been made in listing or assessing the same, at any time before the tax shall have been paid thereon.

Sec. 10. The one hundred and tenth section of the act first aforesaid, to which this is an amendment, shall be construed to extend to state and county taxes only; but the non-payment of any other taxes assessed on any such lands as therein mentioned, shall not operate as a forfeiting of the same, until the same be paid out to the proper authority.

Sec. 11. Applicants to loan school moneys, shall not be required to prove the record of patents to lands which they, or either of them, may mortgage to secure such loans, but the affidavit of the applicant that there is a patent granted to a particular person, shall be sufficient evidence of the same.

Sec. 12. When any of the township trustees shall fail or neglect to act or discharge any of the duties of such trustees, the school commissioner, or officer acting as such, may remove any such delinquent trustees, and fill such vacancies, by appointment of some other suitable persons, who shall act until their successors shall be qualified according to the provisions of the act to which this is an amendment.

Sec. 13. That in any congressional township where the society of Friends may have established a common school, under the superintendence of their monthly meeting, the school thus established shall be considered a district school in such township, and shall be jointly, with others, entitled to all the privileges as such, agreeably to the provisions of the act to which this is an amendment.

Sec. 14. In all cases where any suit is necessary to be brought against any person in any school district for failing to perform any duty, or to pay any assessment of tax for building or repairing a school house in such district, or for failing to perform any labour thereon, may be brought in the name of the district trustees without setting forth their individual names.

mistake in the
description of
lands &c.
Collectors
may rectify
&c.

Construction
of 11th of
school act.

Record of pa-
tent need to be
proved.

Trustees fail-
ing to act may
be removed.

Schools es-
tablished by
society of
friends, shall
be considered
as district
schools &c.

Suit how
brought.

CHAPTER CCXXI.

An Act to provide for the sale of section sixteen, in township twenty-one, north of range nine west, in Warren county.

[APPROVED, JANUARY 2, 1834.]

May be sold without requiring one fourth of the purchase money to be paid at the time.

Proviso.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of school lands, in Warren county, be, and he is hereby authorized to make sale of section number sixteen, in township number twenty-one, north of range number nine west, in said county, without requiring the purchaser of the same, or any part thereof, to pay one fourth part of the purchase money at the time of such sale: *Provided*, That the purchaser shall, at the time of such sale, pay to such commissioner the interest on such purchase money for one year in advance; and shall further give such commissioner and his successors in office, good freehold security for the future payment of such interest in advance annually.

SEC. 2. Such sale shall, in all other respects, be governed by the provisions of the act entitled, "an act incorporating congressional townships, and providing for public schools therein," approved, February 2d, 1833.

This to take effect and be in force from and after its passage.

CHAPTER CCXXII.

An Act to legalize the sale of the School Lands in Vermillion county.

Preamble.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS, doubts have arisen whether the sales of school lands heretofore made by James Thompson, commissioner of the school lands for the county of Vermillion, were strictly legal, in consequence of its being doubtful whether a majority of all the inhabitants entitled to a vote for such sales, did so vote in their respective townships; for remedy thereof,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all elections heretofore held in the said county of Vermillion for the sale of school lands, and all sales made in pursuance of such elections, and all proceedings had thereon, be, and the same are hereby legalized, as fully as though such majority did vote in their respective townships for such sales.

This act to take effect and be in force from and after its passage.

CHAPTER CCXXIII.

An Act to authorize the sale of a certain school section in Marion county.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of Marion county, be, and he is hereby authorized to sell section sixteen in town sixteen north, of range two east, in the same manner as if a vote of sale had been taken by the inhabitants of said township, and shall be governed in every other respect by the law or laws incorporating congressional townships and providing for public schools therein.

This act to be in force from and after its passage.

CHAPTER CCXXIV.

An Act authorizing the appointment of commissioners to divide certain school lands.

[APPROVED FEBRUARY 1, 1834.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the boards of commissioners of the counties of Vigo, Vermillion, and Warren, shall each at their first session after the taking effect of this act, or at some subsequent session, appoint one commissioner to act with a commissioner who may be appointed on the part of the state of Illinois, to divide the school lands belonging to such congressional townships as are divided by the line dividing the states of Indiana and Illinois.

SEC. 2. It shall be the duty of the clerks of the several boards, each to make out a certificate of such appointment, and deliver it to the sheriff of the county, who shall deliver the same to the person so appointed. The clerk shall also inform the clerk of such court of the adjoining county in the state of Illinois as may have a similar appointing power, of the appointment so made.

SEC. 3. Such commissioner shall take an oath or affirmation, faithfully and impartially to discharge the duties assigned him, and shall, as soon as he is informed a commissioner on the part of the state of Illinois is ready to act, proceed with such other commissioner to examine all the school lands belonging to such congressional townships within the limits of their respective counties, as are divided by the state line as aforesaid, and award to the inhabitants of such parts of the townships as lie within each state, by an equita-

ble dividend, their proportions of the school lands belonging to such township, taking into consideration the habitable part or parts of such township, and make report of his proceedings to the next session of the board of commissioners of his county, setting forth in such report, what proportion of each township lies in each state, and what proportion and what part of the school lands are awarded to the inhabitants of such parts of the townships as lie within each state, and if said board shall approve of such report, they shall order the same to be recorded at full length in the record book of the county.

Reports being approved, Illinois to have jurisdiction.

SEC. 4. If the reports are approved of by the boards doing county business, the state of Illinois shall forever after be permitted to exercise full and entire jurisdiction and control over such part or parts of school lands which are situated within the territory of the [this] state, as may have been awarded to the inhabitants of such part of the township as lies within the limits of the state of Illinois.

Com'r's refusing to act, others may be appointed.

SEC. 5. If the commissioner or commissioners appointed under the provisions of this act, neglect or refuse to qualify or act, or if the boards doing county business should not approve the report made by any commissioner, other commissioners may be appointed to perform the duties by this act required, who shall be governed in all respects as is provided in this act for those first appointed.

Compensation.

SEC. 6. The commissioners hereby authorized to be appointed, shall receive such compensation for their services out of the county treasury, as the boards doing county business may think just and reasonable.

Fractional part of townships incorporated.

SEC. 7. The inhabitants of the fractional part of such townships as are divided by the state line as aforesaid, as lie within the limits of this state, are hereby incorporated a body politic and corporate, with such name and style, and with such powers and under such restrictions, and in all respects shall be governed by the acts incorporating congressional townships and providing for public schools therein.

This act extended to counties hereafter organized.

SEC. 8. The provisions of this act shall be extended to all counties that may hereafter be organized, bounded on the west by the state of Illinois, that may have school lands situated as in the counties herein mentioned.

Provision where lands divided by state line have been sold.

SEC. 9. If the school lands belonging to any township divided by the state line as aforesaid, shall have been sold under the provisions of the act authorizing the sale of school lands in this state, the commissioners shall proceed to divide and award such lands as in other cases; and the school commissioner in whose hands the funds arising from the sale of such lands may be, is hereby required to pay over to the proper officer demanding the same on the part of Illinois, the amount which may have been realized from the sale of

such part of such lands as shall be awarded to the inhabitants of such part of the township as lies within the territory of Illinois, together with the interests and profits accruing thereon.

SEC. 10. This act to take effect and be in force from and ^{When to take effect.} after the first day of April, A. D. 1835: *Provided*, an act similar in its provisions to this act, shall on or before that day, be passed by the state of Illinois.

The governor is hereby requested to transmit a copy of this act to the governor of the state of Illinois.

CHAPTER CCXXI.

An Act for the relief of the securities of certain officers.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, any security or securities in the be discharged bond given by any justice of the peace, constable, sheriff, coroner, clerk of a circuit court, recorder, school commissioner, township school treasurer, district school treasurer, collector, county treasurer, county surveyor, executor, administrator or guardian, for the performance of any duty or duties, or for the prevention of any omission of any duty or duties required by any law of this state of any such officer, wishing to discharge himself or themselves from any subsequent liability on any such bond, may go before the person or persons, body corporate or court, (or his or their successors) by or before whom such bond had been approved pursuant to law, and make his or their application to be discharged from such liability.

SEC. 2. On such application being made in writing, stating that such applicant or applicants verily fear and believe that he or they will be made liable on such bond, by reason of such securityship, and be without adequate remedy, verified by the oath or affirmation of such applicant or applicants, which such person or persons, body corporate or court, before whom such application is made, or any justice of the peace, is hereby authorized and empowered to administer, such person or persons, body corporate or court, before whom such application is made, shall forthwith issue a summons directed to the sheriff or coroner, or any constable of the county in which the officer who gave such bond resides, requiring such officer to appear before such person or persons, body corporate or court issuing such summons, at any time within six days thereafter, and execute a further bond as required by law for the performance of the conditions of

Application how made.

Summons against officer who gave the bond.

Continuance
of cause.

the former bond, with such additional security as may be approved by the power issuing such summons. And the person before whom the said cause is tried, may in his discretion, continue the cause such length of time as to him may seem reasonable, upon proper cause.

SEC. 3. Should the principal in said bond, fail or refuse to appear and enter into such additional bond with security as aforesaid, or to resign or otherwise vacate his office before the expiration of the time mentioned in such summons, he shall on conviction or indictment, be fined in any sum not exceeding fifty dollars, and ten dollars for each week after the expiration of such time, during which he shall so fail or refuse.

SEC. 4. On the execution of such additional bond with security as aforesaid, such applicant or applicants shall be exonerated from any subsequent liability accruing on the bond by him or them executed as aforesaid.

SEC. 5. In declaring on any bond, one or more obligors of which may have been exonerated therefrom as aforesaid, it shall be sufficient to declare only against such obligor or obligors as were not exonerated as aforesaid, by alleging the exoneration of such other obligor or obligors; or all the obligors may be declared against, in which latter case, such exonerated obligor or obligors, may plead such their exoneration in bar.

SEC. 6. On such plea being sustained or established on demur or otherwise, it shall not operate as a discharge of any obligor or obligors not included in such plea in such suit, but judgment shall be given as though the defendant or defendants pleading such plea, had not been joined in such suit.

CHAPTER CCXXV.

An Act to incorporate the Indiana Teachers' Seminary.

[APPROVED FEBRUARY 1, 1834.]

Preamble.

WHEREAS, it has been represented to this General Assembly, that sundry persons of the county of Jefferson and state of Indiana, have formed a society for the purpose of instructing teachers for common schools, on the manual labour system; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Moses H. Wilder, John U. Parsons, Nathan B. Palmer, Milton Stapp, Copeland Philip Jacob Arion, John Howes, James H. Johnson, James Hamilton, Williamson Dunn, James Goodhue, Ezra F. Pabody, and George W. Leonard, and their associates, are hereby created a body corporate and politic, by the name and style of

Corporation
created.

"The Indiana Teachers Seminary," and by said name shall have perpetual succession, and be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of justice; to make and use a common seal, and the same to alter again at pleasure.

SEC. 2. The trustees shall have power to fill vacancies Powers. in their own body, to appoint their own officers, and make by-laws and regulations, not contrary to the laws or constitutions of this state or of the United States.

SEC. 3. Said corporation shall have power to purchase Estate. and to receive by gift or otherwise, any estate or property, either real or personal; *Provided*, That they shall never hold for a greater length of time than two years, more real estate than six hundred and forty acres.

SEC. 4. The board of trustees shall consist of not less than Board of trustees. seven nor more than sixteen members, of whom five may be a quorum, for the transaction of business.

SEC. 5. A regular system of manual labour, shall be adopted by said corporation, to be blended with instruction in literature, in such manner as to be most conducive to health, mental improvement, and the support of the students.

SEC. 6. It shall be the duty of the trustees annually, to Report to Legislature. make a detailed report to the Legislature, of the situation of the institution.

SEC. 7. The Legislature reserves the right, after the expiration of ten years, to alter or amend the charter of this incorporation.

Manual la-
bour system.

CHAPTER CCXXVII.

An Act to amend an act entitled, "an act to incorporate the Monroe county Female Seminary," approved January 29, 1833.

[APPROVED DECEMBER 28, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the twenty-fifth section of an act entitled, "an act to incorporate, the Monroe county Female Seminary," approved January 28th [29th] 1833, which allows the board doing county business to make compensation to the trustees of the institution aforesaid, be, and the same is hereby repealed.

This act to be in force from and after its publication in the Far West, a paper published in the town of Bloomington, in Monroe county, Indiana.

CHAPTER CCXXVIII.

An Act to incorporate the Switzerland county Seminary.

[APPROVED FEBRUARY 1, 1834.]

Preamble.

WHEREAS, the trustees of the Switzerland county seminary, appointed by an act approved January 19th, 1828, have reported, that in pursuance of said act, they have located the site for said seminary, and have, in conformity to said act prayed for a charter for said county seminary; therefore,

Board of trustees.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Rous of Craig township, Stephen C. Stevens, of Jefferson township, William McCorkhill, of York township, Thomas Cole of Cotton township, Aribert Gaslay of Posey township, and Cornelius A. Voorhees of Pleasant township, and their successors in office, are hereby constituted and appointed the trustees of the Switzerland county seminary, with power to sue and be sued, plead and be impleaded, answer and be answered unto, contract and be contracted with; and held estate, real and personal, by gift, grant, contract, bequest, devise, and otherwise, and to all intents and purposes, to be a body politic and corporate; to have perpetual succession; to have a common seal, and the same to alter and change at pleasure.

Powers.

Rights &c. transferred.

SEC. 2. All the rights, powers, prerogatives, trusts, debts, moneys and effects, of the Switzerland county seminary, intrusted to trustees by the act aforesaid, approved January 19th, 1828, are hereby transferred to this incorporation.

Buildings &c.

SEC. 3. It shall be the duty of the trustees to cause to be erected on the site aforesaid, such suitable buildings for said seminary, and to make such improvements on the land belonging to said seminary, from time to time, as may be most conducive to the interests of the citizens of the county.

Election of trustees.

SEC. 4. Said trustees shall hold their offices until the first Monday in March 1834, at which time, and annually thereafter, there shall be an election, in each township, for one trustee of the county seminary of the county of Switzerland, which several trustees so elected, shall hold their offices for one year, and until their successors are elected and qualified.

Oath.

SEC. 5. Said trustees shall severally take an oath before some proper person, faithfully and impartially to do and transact all the duties appertaining to said office.

Duty of trustee.

SEC. 6. It shall be the duty of the trustees as soon as practicable, to prepare the institution by adopting the manual labour, or any other valuable system of education, so as to admit free of charge, or with the least possible expense, to the full enjoyment of the privileges of the institution, the

greatest possible number of the children of the said county, both male and female.

SEC. 7. Each township of said county shall have the right to have an equal number of scholars taught in said seminary, in proportion to the population of each, as near as the trustees can ascertain the number of inhabitants.

SEC. 8. Whenever the time shall arrive that there are more scholars than can be taught in said seminary, the trustees shall fix some equitable rule for ascertaining, by lot, what particular scholars of those that apply, shall be preferred in each township, to the male departments of the institution, and also to the female department; so that each township that can furnish its quota, shall have an equal proportion of scholars in the institution.

SEC. 9. Said trustees shall meet at the court house in the town of Vevay, on the third Monday in March next, or so soon thereafter as a majority may agree, and elect a president, secretary, and treasurer from their own body, to continue in office during the pleasure of said trustees; and it shall be the duty of the treasurer thus elected, before he enters upon the duties of his office, to execute a bond with security, approved by the trustees, payable to the state of Indiana, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust, and for the payment to the order of the trustees, of all moneys that may come into his hands as such treasurer; and shall also take an oath before some justice of the peace, for the faithful discharge of the duties of his office.

SEC. 10. The trustees shall keep a record of all their proceedings, in a book to be kept for that purpose, which shall be signed by the president, and in his absence by the president *pro tem.*, and attested by the secretary; and no money shall be paid but on the order of the trustees entered of record, a certificate of which, signed by the secretary, shall be authority for the treasurer to pay the amount expressed in any such order, to the person named therein or to his assignee.

SEC. 11. So soon as it shall be practicable, said trustees shall prepare a female department, in which female scholars may be taught, upon such regulations as may insure valuable instruction to the greatest number, and at the least expense.

SEC. 12. Said trustees shall have power to make any by-laws and regulations for the government of said seminary, employment of teachers, and for the transaction of the business and concerns of the same, from time to time, as to them may seem proper: *Provided*, they are not contrary to the laws of this state; which by-laws shall be recorded by

Each town-
ship entitled
to its propor-
tion of schol-
ars.

When there
shall be more
scholars than
can be taught
the trustees
shall decide
by lot what
ones shall be
preferred.

President, se-
cretary, and
treasurer.

Treasurer's
bond.

Record.

Female de-
partment.

the secretary, in a book to be kept for that purpose, and shall be signed by the president and secretary.

Quorum.

SEC. 13. A majority of said trustees shall form a quorum to transact business, and a president and secretary *pro tem.* shall be appointed when necessary.

Meeting of the board &c.

SEC. 14. No meeting of said board shall be lawful, unless in conformity to an established recorded rule, unless each trustee have ten days written notice, signed by the president or secretary, of such intended meeting.

Demand may be made on S. Tr. for pro. sem. funds.

SEC. 15. Said trustees shall have the right to demand and receive from the treasurer of state, the proportion of all moneys that may be due to the county seminary of Switzerland county.

Report to the city board.

SEC. 16. It shall be the duty of the trustees aforesaid, to make a detailed report of the disbursement of such funds as may come into their hands, annually, to the board doing county business for said county; which report shall be recorded on their records: and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of the county seminary of Switzerland county.

Suit on bonds.

SEC. 17. This act shall be considered a public act, and shall be liberally construed for all beneficial purposes.

SEC. 18. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXIX.

An Act to incorporate the Perry county Seminary.

[APPROVED, JANUARY 30, 1834.]

Corporation created.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Presly Hall, Arad Simons, James Riley, John Stephenson, Samuel Frisbie, Solomon Lamb, Mark Hardin, Shubal C. Little, William Baker, William Latherland, Barney Royston, William Mitchell, Joshua Huckerby, and John Shoemaker, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Perry County Seminary," and by the same corporate name may sue and be sued, plead and be impleaded, in any court or legal proceeding in this state; and by that name have perpetual succession. They shall in law, and by the said name, be capable of purchasing, holding, bargaining, selling, and conveying, any property either real or personal, for the use of said seminary, whether by legal or equitable title. They shall further be empowered to receive all and singular, any gift, subscription, grants, donations and bequests, which shall be solely appropriated to the use and be-

Name and powers.

nefit of said seminary, in such manner as said trustees shall deem most profitable and expedient: they shall be entitled to and have a right to demand and receive all seminary funds or money which may be due by fine or otherwise or which shall be due out or before the first day of September, 1834, or which is now on hand.

SEC. 2. And the said trustees shall meet in the town of Rome, in said county, on the first Monday in March, 1834, or upon any subsequent day that a majority of said trustees shall deem expedient, and determine what place in said county such seminary shall be located, and a suitable building erected, a majority of said trustees agreeing thereto.

SEC. 3. Upon a majority of said trustees selecting and purchasing a suitable lot or parcel of ground to erect such a building for the county seminary as aforesaid, as they may deem advisable, and having procured a conveyance thereof to them as such body corporate, they may demand, receive, and appropriate, all the seminary funds of said county, as are now or may be on hand, at any time on or before the first day of September, eighteen hundred and thirty-four: *Provided*, such funds together with such voluntary subscriptions as may be raised, are amply sufficient to erect and complete such seminary building, and if said seminary funds, together with such money as may be obtained by subscription or donations, are not deemed sufficient by a majority of said trustees, to erect and complete such building, then they are not hereby authorized to demand, receive, and apply said seminary funds to the above purpose.

SEC. 4. The said trustees or a majority, shall at their first or any subsequent meeting, elect of their own body, a president, secretary, and also a treasurer, who shall not be president, secretary, and treasurer, and also a treasurer, who shall not be of their body, to continue in office during the pleasure of said trustees, who shall at any time have power to remove either of them from office and to fill the vacancy.

SEC. 5. Such treasurer before he enters upon the duties of his office, shall execute a bond payable to the state of Indiana, in a penal sum not exceeding double the amount of funds, notes and debts, that may probably come into his hands, in the discretion of said trustees, conditioned for the faithful performance of his trust, and that he will pay over to the order of said trustees, all money that may come to his hands as such treasurer, and to deliver to his successor in office, all money, bonds, notes, books, papers, and other valuable things whatsoever, that may come into his hands as such treasurer, and shall also take an oath before some justice of the peace, for the due performance of his duties.

SEC. 6. Said trustees shall purchase a book in which the said secretary shall record all their proceedings; each day's proceedings shall be read over in the hearing of the board

Bond and oath of treasurer.

Record to be kept.

No money paid except by order of trustees &c.

By-laws.

Meeting of trustees.

May contract &c.

Sem. fund to be paid to treasurer.

Treasurer to keep an account of money &c.

May demand money &c.

of trustees, and after correction if necessary, shall be signed by the president and attested by the secretary.

SEC. 7. No money shall be paid over but upon the order of the trustees entered of record as aforesaid, a copy of which order, certified by the secretary, shall be sufficient authority for the treasurer to pay over the amount to the person in whose favour such order was made, his or her heir, executor, administrator, or assignee.

SEC. 8. The board of trustees shall have full power from time to time, to make such by-laws, ordinances and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they may deem advisable for the good government of said seminary, or of students, pupils, professors, and teachers thereof, and the same to put in execution, revoke, repeal, alter, amend, or make anew, as to them shall seem proper.

SEC. 9. Said trustees shall meet when, and where, and as often as they may deem necessary, and a majority of said board shall constitute a quorum, for the exercise of any power, or the transaction of any business by them as contemplated by this act. A majority of those present at any meeting, shall determine any question before them: *Provided however*, That in all cases where a meeting is held otherwise than on adjournment, the president shall give or cause to be given, notice of the time and place of such meeting, to each trustee.

SEC. 10. Said body corporate may make any contract, whether through or by an agent or otherwise, whether sealed, written, or by parol; may procure bonds to be made payable to them by their corporate name, conditioned for the performance of conditions or otherwise, and be liable to sue or be sued, as the case may be, on any such contract or bond.

SEC. 11. That from and after the time that said treasurer is appointed and qualified to act as such, it shall be the duty of all persons having money for the use and benefit of said fund, to pay the same over to the treasurer of said body corporate, whose receipt shall be a sufficient voucher for the same, and said board shall have the right of instituting suit or suits for any such money not so paid over.

SEC. 12. The treasurer shall keep a just and true account of all money by him received, in a book by him to be kept for that purpose; and said treasurer shall receive for his services such reasonable compensation as the said board shall allow him from time to time.

SEC. 13. The board of trustees shall be authorized to demand and receive of the present trustee or any former trustee of the seminary funds of said county, all money, books, notes and papers, belonging to said seminary fund in his

hands, and to settle with any trustee in relation thereto, or to institute one or more suits in law or equity, in their corporate name, or for their use as such body corporate, (as the case may be,) against any such trustee, and recover a judgment or decree thereon, and be entitled to execution or other remedy thereon, as in other cases; the proceeds of which judgment or decree, to form a part of said seminary fund; but no contract made or note given to, or by any such trustee, shall be annulled or made void by said board, but they shall have power to collect the same by suit or otherwise; they also shall have power to demand and receive from their treasurer, on their order, duly certified by their secretary, their due proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which said county of Perry is or may be entitled, which order shall be a sufficient voucher for the same.

SEC. 14. When the seminary fund shall accumulate sufficiently for the purpose after defraying the necessary expenses, the said trustees may if they think proper, appropriate such fund to the payment of a teacher or teachers, and necessary assistance, so as to reduce the price of tuition, and if practicable to make the same a free school, under the restrictions herein provided.

SEC. 15. The trustees appointed by this act shall continue in office until the first day of March 1835, and until their successors are qualified, and which successors shall be only seven in number, and appointed as herein directed. The board doing county business in said county of Perry, shall at any meeting after the first day of March, 1835, appoint said seven trustees, who shall be invested with all the legal authority of the trustees appointed by this act, a majority of which seven trustees shall constitute a quorum to transact business which the fourteen hereby appointed, have the right to do, or a majority of said fourteen could do. The seventrustees appointed by the board doing county business, shall remain in office during good behaviour as such, subject to be removed for good cause shewn, and his or their vacancy filled by said county board; and any vacancy which may occur in the office of either of the trustees appointed by said county board at any time, by refusal to serve or qualify, or by death, removal or otherwise, shall be filled by said county board.

SEC. 16. Any vacancy which may occur in the office of either of the fourteen trustees appointed by this act, either first board of trustees, shall be filled by the remaining trustees at any time previous to the first day of March, 1835.

May demand proportion of conscientious fines.

To be free school when.

Trustees how appointed & term of office.

Quorum.

Vacancy.

Vacancy.

Report.

SEMINARIES.

SEC. 17. Said trustees shall annually make a detailed report of the objects and amount of all disbursements of such funds as may come to their hands, to the board doing county business for said county, which shall be entered on their records.

SEC. 18. The seminary shall not be exclusively confined to any particular branch of education. There may be taught therein any of the languages, sciences, fine arts, ornamental branches, general literature, and such other branches or departments of education as the said trustees may authorize.

SEC. 19. The treasurer shall have all the rights, powers, incidents, and subject to all the duties and liabilities of the present seminary trustees of said county, subject however to the provisions of this act.

SEC. 20. In all meetings of the said trustees, the president shall be entitled to a vote; and if the president fails to attend any meeting designated, the trustees attending shall elect a president pro tempore, to fill the vacancy during the president's absence.

SEC. 21. Nothing in this act contained, shall prevent said board of trustees from appointing the trustee of the seminary fund of said county, as such treasurer.

SEC. 22. The board of trustees may authorize the treasurer to loan any part of said fund on good security, for the sufficiency of which such treasurer shall be responsible. Notes for the repayment of any such loans shall be made payable to the president and trustees of the Perry county seminary.

SEC. 23. Said trustees, before entering on the duties of their office, shall jointly execute a bond with security, to be approved of by the clerk of the Perry circuit court, payable to the state of Indiana, in a penalty of two thousand dollars, conditioned for the faithful performance of the duties of their office; each person subsequently appointed such trustee, shall execute a similar bond, in a penalty of four hundred dollars; such bonds shall be filed in the office of said clerk.

SEC. 24. Said body corporate may adopt a common seal, with such devices as they may direct a description of which shall be entered in the record book: *Provided*, That until such seal is adopted, the said body corporate may use their private scrawl, or ink seal of their secretary, to authenticate such of their proceedings as require such authentication.

SEC. 25. No part of said fund shall be appropriated to defray any part of the tuition of a student or pupil, who shall not at the time be a resident of said county.

SEC. 26. The board doing county business for said coun-

SEMINARY TOWNSHIPS.

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ty shall allow such compensation to the said trustees from time to time, as they may deem reasonable.

SEC. 27. The legislature reserves to itself the right of amending or repealing this act at any time hereafter.

SEC. 28. The provisions of the act entitled, "an act relating to county seminaries," approved, February 4th, 1831, shall not affect this act, so far as the same comes within the purview thereof.

Not affected by sem. act of '31.

CHAPTER CCXXX.

An Act to amend an act entitled, "an act concerning the Seminary townships of land in Gibson and Monroe counties," approved January 25, 1827.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS, doubts have arisen in some counties, whether Preamble. lands sold for school purposes or lands sold by the state, whether state seminary lands, canal lands, saline reservation lands, Indianapolis donation lands, Michigan road lands, or other lands which have belonged, or do now, or may hereafter belong to the state, are liable for taxes for purposes of state or county revenue; therefore

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any and every tract or lot of land, heretofore or hereafter sold by this state, and any and every tract or lot of land heretofore or hereafter sold by the inhabitants of any congressional township for common school purposes, is hereby declared to be exempted from taxes for the payment of state or county revenue, until the purchase money of any such tract or lot of land (and all interest due thereon, if any,) is fully paid out to the person or persons authorized to receive the same, for the state or for the inhabitants of the congressional township to whom such tract may belong, (as the case may be,) and no such tract of land shall be liable to forfeiture for the non-payment of any tax or taxes; and when such tract shall be so paid out, it shall from thenceforth be liable for taxes in the same manner as other lands belonging to individuals, are or may be.

SEC. 2. This act shall be subject to be repealed hereafter by the General Assembly, if deemed expedient.

This act to be in force from and after its passage.

Lands sold by the state, when liable for taxes.

Trustees give bond.

Seal.

Fund defray tuition of resident students only.

CHAPTER CCXXXI.

An Act to amend an act entitled, "an act to provide for the commissioning of Sheriffs and Coroners, and regulating their duties," approved, Feb. 7th, 1824.

[APPROVED FEBRUARY 1, 1834.]

Fees allowed to jurors &c. *Sec. 1. Be it enacted by the General Assembly of the State of Indiana,* That in all cases hereafter, when jurors are empannelled by any coroner or other officer, for the purpose of holding an inquisition under the provisions of the act to which this is an amendment, each juror so empannelled and sworn to serve as such, shall be entitled to receive the sum of fifty cents, to be paid as hereinafter directed, for each and every day he shall be empannelled and serve as such juror.

Coroner &c. to give certificate. *Sec. 2. That the said coroner or other officer who may summon and empanel said jurors for the purposes mentioned in the first section of this act, shall officially make and sign under his hand and seal, a certificate for each juror, either jointly or separately as convenience may require, and at the request of such juror or jurors, deliver the same to him or them, specifying in such certificate the number of days each, such juror may have served, and the amount thereof when presented to the treasurer of the proper county, shall be by him paid to such juror or jurors out of any moneys in such county treasury, not otherwise appropriated.*

Sec. 3. This act to take effect and be in force from and after its publication.

CHAPTER CCXXXII.

An Act for the benefit of Literary Societies.

[APPROVED JANUARY 13, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of the act entitled, "an act for the appointment of trustees, to receive deeds for lots or lands, given or purchased for the use of schools, meeting-houses, or masonic lodges," approved, February 10th, 1831, be, and the same are hereby extended to all and each of the literary societies attached to the several colleges and academies within this state.

CHAPTER CCXXXIII.

An Act to continue the provisions of a "Joint Resolution of the General Assembly, for the benefit of State Debtors," approved, February 2d, 1833.

[APPROVED, FEBRUARY 1, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of a "joint resolution of the general assembly for the benefit of state debtors," approved February 2d, 1833, be, and they are hereby extended, and shall be and continue in full force and virtue, for and during the present year.

CHAPTER CCXXXIV.

An Act to amend an act entitled, "an act for the safe keeping of prisoners committed under the authority of the United States, into any of the jails of this state, and for other purposes," approved, January 26th, 1818.

[APPROVED DECEMBER 24, 1833.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons convicted under the laws of the United States, and sentenced to confinement at hard labour or otherwise, by any court within this state, may be confined within the state prison of this state; and it shall be the duty of the keeper or superintendent of said prison, to receive into his custody, all such persons sentenced as aforesaid when delivered to him by the proper officer, and to keep them in said prison, according to the terms of their sentence, in the same manner, and subject to the same rules and regulations prescribed for keeping prisoners therein, sentenced under the penal laws of this state, until such convicts shall be discharged by due course of the laws of the United States; the United States being responsible for all expenses attending the same.

Sec. 2. That this act shall be in force from and after its passage.

CHAPTER CCXXXV.

An Act attaching certain territory therein named, for judicial and representative purposes.

[APPROVED JANUARY 30, 1834.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the territory lying west of La Porte coun-

Convicts under U.S. laws may be confined in State Prison.

Duty of superintendent in such case.

Isaw more

and

so on

ty, to the state line, and south of said county and of said territory, to the township line between townships thirty-two and thirty-three, be, and the same is hereby attached to La Porte county for judicial and representative purposes; and that the territory lying south of St. Joseph county to the aforesaid township line, be attached to the county of St. Joseph for the same purposes.

CHAPTER CCXXXVI.

An Act to provide for the improvement of the navigation of the Wabash river.

[APPROVED FEBRUARY 1, 1834.]

Preamble.

WHEREAS, The improvement of the navigation of the Wabash river is an object of paramount importance to the citizens of the several counties bordering on and contiguous to said river, and would tend to promote in an important degree, the general interests of the state: and whereas, the state of Illinois did, by an act of the 19th January, 1829, appropriated, for like purpose, a sum equal to that provided by this act, and by a subsequent law, passed the 12th of February 1833, has made provision for the expenditure of said fund, to carry into effect heretofore act, upon the condition that, "the state of Indiana shall have appropriated an equivalent sum to that appropriated by the state of Illinois, on or before the 4th of March, 1834;" therefore

Appropriation on the Wabash.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of twelve thousand dollars be, and the same is hereby appropriated, to be applied as far as may be requisite, to the improvement of that part of the Wabash river, over which the states of Indiana and Illinois have concurrent jurisdiction, and in such manner that the most prominent and dangerous obstructions to steam boat navigation, may be removed.

From what fund.

SEC. 2. That the said sum of twelve thousand dollars, shall be provided for as follows: The sum now in charge of the commissioners of the canal fund, and reserved for the improvement of the Wabash river (estimated at \$5,000) and the sum of seven thousand dollars out of the first money accruing to the three per cent. fund, after meeting the appropriations heretofore made, shall be appropriated and applied for the purpose of creating said fund.

SEC. 3. That the said sum of seven thousand dollars of the amount to be the three per cent. fund thus applied, shall be considered retained from ~~ed~~ as so much of an advance made by the state to the portions

following counties on their respective interests in the three of certain per cent. fund that shall hereafter accrue, and in the following proportions, viz: to the counties of Knox, Sullivan, Vigo, Parke, Vermillion, Fountain, Warren, Tipppecanoe and Carroll, the sum of six hundred dollars each, to the county of Cass the sum of five hundred dollars, to the county of Miami the sum of two hundred dollars, and to the counties of Allen, Huntington, Wabash, White, Clinton, Montgomery, Putnam and Clay, the sum of one hundred and twelve dollars and fifty cents each. And the said sum of seven thousand dollars, shall be retained out of the portion of the three per cent fund accruing to said counties in the further distributions that shall be made of said fund; the amount to be retained from each, to be the same as advanced aforesaid.

SEC. 4. In retaining from the portions of the three per cent fund, to which said counties would respectively be entitled in future distributions, not more than one half of the amount of such portion coming to each of the counties of Knox, Sullivan, Vigo, Parke, Vermillion, Fountain, Warren, Tipppecanoe, Carroll, and Cass, and not more than one half of the sum advanced to each of the remaining counties, shall be retained out of any one of the distributions that shall hereafter be made of said fund; but in that proportion there shall be reserved from the distributive share of each county aforesaid in said fund, until the said sum of seven thousand dollars shall be refunded to the state.

SEC. 5. The canal fund commissioners are authorized to pay over Wabash fund

Fund comm^{rs} to pay over Wabash fund

and required to pay, upon the order of the commissioners to be appointed under the provisions of this act, the amount of the principal and interest of the sum reserved and set apart for the improvement of the Wabash river. And the agent of the three per cent. fund is hereby authorized and required to pay on the order of said commissioners, the sum of seven thousand dollars out of the first moneys accruing to said fund, after a sufficient amount shall have been received to meet the appropriations heretofore made.

SEC. 6. The governor of this state shall appoint a commissioner, whose duty it shall be to take charge of, and superintend the expenditure of the fund created by this act, and to co-operate with any commissioner appointed by the state of Illinois for a like purpose, in adopting and carrying into effect all necessary measures to accomplish the objects contemplated by it. The said commissioner before entering upon the duties of his office, shall give a bond to the state of Indiana, with freehold security, in the penalty of twenty thousand dollars, to be approved of by the governor, conditioned for the faithful discharge of his duty as such commissioner, and shall make an oath or affirmation to the

Agent of 3 per cent fund to pay on order of comm^{rs} &c.

Governor appoint com^{rs}.

Bond.

Vacancy.

like effect, which shall be certified by the officer administering the same on the back of said bond, which shall be delivered to the governor, and be by him filed in the office of the secretary of state; and in case of a vacancy in the office of said commissioner at any time, or from whatever cause, the same shall be immediately filled, by the governor appointing some suitable person, who shall comply with the requisitions aforesaid.

SEC. 7. The governor of this state is requested forthwith to transmit to the governor of the state of Illinois a certified copy of this act, and communicate with him on its object and purport in order the better to insure a union of effort on the part of the two states for the attainment of the important end they respectively have in view; and when the governor of this state shall be informed of the concurrence of the state of Illinois in the manner contemplated herein, the two executives are requested to determine upon the time and place of meeting of the said commissioners, and to notify the respective commissioners thereof.

SEC. 8. And when thus notified, the commissioners of this state shall meet at the time and place appointed, and with the commissioner on the part of Illinois, shall proceed to examine the nature and extent of the obstructions to the navigation of that part of the Wabash river over which said states have concurrent jurisdiction. And the said commissioner as the basis on which to predicate his operations for removing the obstructions in, and improving the navigation of said river, shall make or cause to be made an accurate and particular survey of all the principal and formidable obstructions to steam boat navigation, and such as present considerable barriers to the ordinary navigation in that part of said river, and plats or profiles of the surveys of the most considerable obstructions and barriers shall be drafted and preserved; and the minutes of all such surveys shall be kept, and plans and estimates shall be made of the work to be done, and the probable cost of the same before any contract for work to be performed, shall be entered into by him.

SEC. 9. To insure the obtaining of the requisite examinations, surveys, estimates and data, the said commissioner is authorized and required to employ a scientific engineer for that purpose, on such terms as he shall consider as a fair compensation for the services such engineer shall perform, and the same shall be paid out of said fund; and the stated account of such services as passed by said commissioner, and received by the engineer, shall be a sufficient voucher for the same: *Provided however*, if such commissioner shall possess the necessary scientific and practical knowledge to perform said service, and will discharge the duties

Proviso.

Engineer to be employed.

which would devolve upon such engineer, in that case, no engineer shall be employed.

SEC. 10. When said surveys and estimates shall have been made, the said commissioner shall proceed to place under contract by sections or jobs, the excavation of any channel, or the removal of any obstruction at the places which shall most require it, and such other improvements as shall be practicable; which jobs or sections shall be as small as the work to be performed will profitably admit; notice of the time and place of letting such contracts shall be given by at least four weeks publication in the newspapers printed in the counties on the Wabash, and at Louisville and Shawneetown, and in such other manner as said commissioner shall deem most expedient; and at the time and place advertised, the sections or jobs shall be offered and let to the lowest bidder, under such stipulations as will authorize the removal of any contractor from his undertaking or job, when the interest of the work in the opinion of the commissioner, may require the employment of more efficient men; and in no case shall a sum more than equal to three fourths of the value of the work actually done on contracts, be paid until the whole of such contract is completed and received.

SEC. 11. If at the letting of any of the contracts by said commissioner, the lowest bid offered shall not approximate near to the estimated value of the section or job of work to be done, and the commissioner shall have good reason to believe that there is a combination among the persons bidding, by which the interest of the state is likely to be greatly prejudiced, then and in that case, the commissioner shall be authorized to suspend the letting out of such contracts, until a subsequent letting shall take place, of which reasonable notice by publication in the nearest newspapers shall be given.

SEC. 12. The commissioner on the part of the state of Indiana may make such an arrangement with the commissioner on the part of the state of Illinois in relation to their joint or separate superintendence and control in the whole or any part of the improvements and works under their direction, as they may deem best, and which shall not manifestly be prejudicial to the interests of this state.

SEC. 13. In all cases where the said commissioners shall not agree as to any part or portion of any proposed improvement in the navigation of the Wabash river, as herein contemplated, the said commissioners may refer the matter in difference to the Governor of this state, whose opinion with that of the Governor of Illinois, (should he be constituted an umpire,) shall be conclusive, should they co-

Payment on
unfinished
contracts, li-
mited.

Com'r may
suspend the
letting of any
contract
where there is
combination.

Arrangement
between the
com'r's as to
their superin-
tendence may
be made.

Where com-
missioners dis-
agree, mat-
ters to be re-
ferred to the
governor.

Report.

incide in their views upon the subject matter referred to them.

SEC. 14. The commissioner of this state shall annually make a report to the General Assembly during the first week of its session, of the proceedings had under this act, shewing the progress or result of any examinations, surveys, or improvements that have been made, the amount received from the canal fund commissioners and the agent of the three per cent. fund, a detailed statement of the disbursements of the fund under his charge, and of the time he has been actually engaged in the discharge of his duties; which report shall be verified by the oath or affirmation of said commissioner.

SEC. 15. The said commissioner shall receive for his services two dollars per day, while necessarily engaged in discharging his duty, to be paid out of the fund created by this act.

SEC. 16. That the sum of four hundred dollars be, and the same is hereby appropriated to the county of Miami; that the sum of one hundred dollars be appropriated to the county of Cass; that the sum of four hundred and eighty-seven dollars and fifty cents be appropriated to each of the following counties, to wit: Allen, Huntington, Wabash, White, Clinton, Montgomery, and Clay; and also that the sum of six hundred dollars be, and the same is hereby appropriated to each of the other organized counties in this state, except the counties of Knox, Sullivan, Parke, Vigo, Vermillion, Fountain, Warren, Tippecanoe, and Carroll, to be paid out of the fund commonly called the three per cent. fund, after the said sum of seven thousand dollars shall have been paid towards the improvement of the Wabash river as above provided for, to be drawn and paid to said counties in the same manner as is provided for in an act entitled "an act to appropriate part of the three per cent. fund," approved January 31st, 1833, and to be applied under the direction of the boards doing county business to internal improvements within their respective counties: *Provided*, that nothing in this section shall be so construed as to contravene the provisions and appropriations contained in the other parts of this act.

SEC. 17. That all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed; and this act shall be in force from and after its passage.

Applied under
the direction
of the county
boards.

Repealed.

An Act in amendment of an act entitled "an act to appropriate part of the three per cent. fund," approved January 31, 1833.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Givens be appointed commissioner to draw and apply the sum of two hundred dollars to aid in building a bridge over McFadins creek, to be subject to the provisions of the act to which this is an amendment; and that so much of the eighteenth section as appoints Arze Lee such commissioner, be, and the same is hereby repealed.

SEC. 2. Any commissioner in Posey county which may have been or shall be appointed by said act for any duties which they may perform at any time hereafter as such commissioner, shall be entitled for each days service to the sum of one dollar, to be retained out of the funds which may by virtue of said office come into their hands.

An Act to authorize the expenditure of the three per cent. fund, heretofore appropriated to the county of Adams.

[APPROVED JANUARY 13, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Vachel Ball of the county of Allen, be, and he is hereby appointed a commissioner on that part of the state road leading from Winchester in Randolph county, to Fort Wayne in the county of Allen; whose duty it shall be to receive from the agent of the three per cent. fund, five hundred dollars; being the amount appropriated to each county in this state, according to the provisions of the act appropriating part of the three per cent. fund, approved January 31st, 1833, and to expend the same on that part of said road which lies in said county of Adams, in the following manner, viz: the said road shall be cleared for the space of twenty-five feet in width in the centre thereof of all trees and undergrowth, not exceeding eighteen inches in diameter, and also all logs and brush which may be in said space, so that the whole be removed entirely therefrom; and the remainder of the money which shall be over and above paying for the clearing of the same as aforesaid, shall be applied in bridging and causewaying

such places on said road as in the opinion of the commissioner aforesaid will best subserve the public good.

Bond & oath. SEC. 2. The commissioner aforesaid shall on or before the first day of July next, file a bond in the penal sum of one thousand dollars, with sufficient security, to be approved by the agent of the three per cent. fund, and conditioned for the faithful performance of the duties required of him by this act; and before entering thereon, shall take an oath faithfully and impartially to perform the same.

Compensa- tion. SEC. 3. The commissioner aforesaid shall receive as a compensation for his services one dollar per day, for every day necessarily employed under the provisions of this act. He shall also keep a correct account of all monies paid out by him on account of said road, take duplicate receipts therefor, and file his report of proceedings, accounts, and receipts of expenditures with the agent of the three per cent. fund, on or before the first day of January, 1835.

Agent of 3 per cent fund au- thorized to pay. SEC. 4. The agent of the three per cent. fund is hereby authorized and directed to pay the said sum of five hundred dollars to said commissioner, so soon as said commissioner execute to him a bond, in the penal sum contemplated by this act.

This act to take effect and be in force from and after its passage.

CHAPTER CCXXXIX.

An Act to appropriate a part of the three per cent fund in Monroe county.

[APPROVED FEBRUARY 1, 1834.]

\$50 applied to the Bloom- ington and Leesville road SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of fifty dollars of that part of the three per cent fund which has heretofore or may hereafter be appropriated to the county of Monroe, be, and the same is hereby appropriated to the improvement of that part of the state road leading from Bloomington in said county, to Leesville in Lawrence county, (by way of Balie's bridge) as lies in Monroe county, and that Elisha Pollard be appointed the commissioner to expend the same on said road.

Bond & oath of com'r. SEC. 2. The commissioner aforesaid shall, before entering upon the discharge of his duty as such, enter into bond, payable to the state of Indiana in the penal sum of one hundred dollars, conditioned for the faithful discharge of his duties as such, and he shall also take an oath or affirmation, well and truly to discharge his duties as such commissioner, and the board doing county business shall allow him such

compensation as they may deem reasonable and right for his services aforesaid.

SEC. 3. *Be it further enacted,* That fifty dollars out of the \$50 applied three per cent fund which has heretofore or may hereafter be appropriated to Monroe county, be expended on the ^{old} Beanblossom bridge over Beanblossom creek at Mount Tabor, and that Andrew Wampler, be appointed said commissioner, after having qualified himself as is required of the commissioner named in the first section of this act.

CHAPTER CCXL.

An Act to amend an act entitled, "an act to appropriate part of the three per cent fund," approved, January 31, 1833.

[APPROVED DECEMBER 24, 1835.]

WHEREAS, in the thirteenth section of the above cited act, Preamble. the name of Edward Willis was by a mistake, inserted for Edward Millis; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Edward Millis, of the county of Orange, ^{Part of the ap- be, and he is hereby appointed commissioner to receive of Orange, how drawn and applied.} the agent of the three per cent fund, the sum of two hundred and fifty dollars of the five hundred dollars, allotted by the thirteenth section of the act to which this act is an amendment, to the said county of Orange, and to apply the same so far as it will go, towards erecting and building a bridge across Lost river in said county, on the road leading from the town of Leavenworth to Indianapolis. The said Edward Millis shall have all the privileges, perform all the duties, and be subject to all the liabilities and requisitions required of the said Edward Willis, by the act to which this act is an amendment.

SEC. 2. So much of the said act to which this is an amendment, as appoints Edward Willis commissioner, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CCXLI.

An Act to amend the act entitled, "an act to appropriate part of the three per cent fund, and for other purposes," approved, Feb. 10, 1831.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Benjamin Robeson, of the county of Crawford

county, appointed commissioner.

ford, be, and he is hereby appointed a commissioner to act in conjunction with the commissioner appointed by the thirty-sixth section of the act to which this is an amendment, to view, mark, and lay out a state road from Corydon in Harrison county, by Jasper in Dubois county, to Pittsburgh in Pike county; who, together with either of the other commissioners, shall have the full power, and be subject to perform the same duty as is granted to, and imposed upon the commissioners named in the said thirty-sixth section.

Sec. 2. This act to be in force from and after its passage.

CHAPTER CCXLII.

An Act to amend an act entitled "an act to appropriate part of the three per cent. fund, and for other purposes," approved February 10, 1831.

[APPROVED, FEBRUARY 1, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Stephen Barns of the county of Owen, be, and he is hereby appointed a commissioner in the place of John Johnson heretofore appointed to receive and expend, under the direction of the board of county commissioners of the county of Owen, that part of the three per cent. fund which was appropriated by said board doing county business to the erection of a bridge across Rattlesnake creek in said county.

Powers &c.

SEC. 2. Be it further enacted, That the commissioner appointed in the first section of this act shall, after having qualified himself according to law, have the same power and authority to carry into effect any contract heretofore entered into by his predecessor, and shall be liable in the same way as the aforesaid John Johnson was, had he continued in office, and that he is authorized to make a new contract for the erection of said bridge, should the present contractor fail or refuse to comply with this contract as entered into with the present commissioner.

May demand
money from
present com-
missioner.

SEC. 3. That the commissioner appointed in the first section of this act shall have full power and authority to demand and receive from the present commissioner all moneys in his hands, by virtue of his appointment to said office, and if he shall refuse or fail to pay over all such moneys within thirty days after the same has been properly demanded, the said Stephen Barns shall be fully authorized to institute a suit against said Johnson, in the name of the state of Indiana, for the use and benefit of the county of Owen.

Sec. 4. That that part of the thirty-fourth section of Repeal, the act to which this is an amendment, and the whole of an act to amend an act providing for the erection of a bridge across Rattlesnake creek in Owen county, approved January 22d, 1833, be, and the same are hereby repealed, and this act shall be in force from and after its publication in the Indiana Journal.

CHAPTER CCXLIII

An Act authorizing the commissioners of Vermillion county to appropriate money in the county of Burke.

APPROVED DECEMBER 21, 1833.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the county of Vermillion, be, and they are hereby authorized to appropriate so much of the three per cent. fund as has been, or may hereafter be appropriated by the General Assembly to said county, as they may deem expedient, for the purpose of improving the road leading from Wedding's ferry opposite the town of Clinton in said county, eastward across the Wabash bottom in the county of Parke.

Sec. 2. The application of the money which may be so appropriated by said board, shall be under the superintendence of a commissioner appointed for that purpose by the board doing county business for the county of Vermillion. County board
to appoint
com'r.

This act to be in force from and after its passage.

CHAPTER CCXLIV

An Act to amend an act entitled "an act to authorize the vacation of towns," approved, February 10th, 1831.

APPROVED FEBRUARY 1, 1834

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in all cases where two or more persons have laid out, or shall hereafter lay out a town on land contiguous and adjoining each other, and such town does not improve, either of the individuals holding all the legal Twns may right, title, and interest in all the lots so laid off by such party and attached, may have the same vacated as in case of a lot, street, or alley, on the application of the party laying out such addition or part of said town, or on the application of any such person or persons as may acquire, or when & o-

derive the legal title to the land and lots in such addition: *Provided*, that in no case shall persons purchasing lots in other additions of said town, be capable of making any valid objections to such vacation, if said vacation does not obstruct any public road laid out and established by law.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLV.

An Act to vacate the town of Union in Boone county, in the state of Indiana.

[APPROVED FEBRUARY 1, 1834.]

Preamble.

WHEREAS Jesse Lane, late of said county of Boone, deceased, in his life time laid off and established in the county aforesaid, the town of Union, and sold a part of the lots, but no part of the purchase money was paid nor titles executed for the same before his death, nor since his decease; and whereas also the purchasers of such lots wish to relinquish all right or title which they may have acquired thereto, to the heirs of the said Jesse Lane, and that the said heirs by their guardian are desirous of selling the real estate comprised in said town of Union, but cannot dispose of the same to advantage unless said town is declared vacated; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said town of Union in Boone county, in the state of Indiana, be, and the same is hereby declared vacated to all intents and purposes whatsoever.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER CCXLVI.

An Act to vacate the town of Sarah in the county of Fountain.

[APPROVED, DECEMBER 24, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the town of Sarah, in the county of Fountain in this state, be, and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER CCXLVII.

An Act to vacate the town of Millville in Fountain county.

[APPROVED, JANUARY 27, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the town of Millville in the county of Fountain, be, and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER CCXLVIII.

An Act to vacate the town of Darlington in Grant county.

[APPROVED FEBRUARY 1, 1834.]

Be it enacted by the General Assembly of the State of Indiana, That the town of Darlington, laid out by John McCormick, in the county of Grant, be, and the same is hereby vacated.

This act to be in force from and after its publication.

CHAPTER CCXLIX.

An Act to change the name of Williamsburgh, in Clay county.

[APPROVED JANUARY 24, 1834.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Clay, be, and they are hereby required, at their first meeting after the taking effect of this act, or within the term of one year thereafter, to select a name for the said town of Williamsburgh, in Clay county, which name, when selected as aforesaid, shall be entered on the record book of the court doing county business, and shall also be recorded by the recorder of the said county of Clay, which name when so selected and recorded as aforesaid, shall be taken and recognized as the true and proper name of said town in all cases.

SEC. 2. All deeds of conveyance, bonds, bills, notes, or Deed's &c. not other writing obligatory, given and taken, in which the affected by name of said town forms any substantial or consequential part, shall in no wise be affected by said change.

This act to be in force from and after its passage.

CHAPTER CCL.

An Act authorizing the county board of Madison county, to change the name of the town of West Union, in said county.

[APPROVED FEBRUARY 1, 1834.]

Preamble. WHEREAS, it is understood that there are several towns in the state of Indiana, called West Union, which may ultimately produce much public inconvenience; therefore, *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Madison, be, and the same is hereby authorized to change and alter the name of the town of West Union, in said county, to any other name that may be deemed proper by said board, and to have such change recorded in the office of the recorder of said county: *Provided however*, That such change and alteration shall not affect any contracts heretofore made, or any private or public vested right.

This act to take effect and be in force from and after its passage.

County board to change name.

CHAPTER CCLI.

An Act to legalize the sale of the town lots in the town of Newcastle, and for other purposes.

[APPROVED, JANUARY 30, 1834.]

Preamble.

WHEREAS, it appears that there has never been a record made of the plat of the town of Newcastle in the county of Henry and state of Indiana; therefore

Acts of Agent legalized.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the acts of the agent for the county of Henry, so far as it respects the sale and conveyance of the town lots in said town of Newcastle, in the county aforesaid, are hereby legalized as fully and to all intents and purposes as they could or would have been, had the plat of said town of Newcastle been recorded, previous to such sale and conveyance.

Duty of county board.

Sec. 2. And it is hereby made the duty of the board of county commissioners, for the county of Henry, at their first meeting after the taking effect of this act, to make or cause to be made out a correct plat of said town of Newcastle, according to the original plan of said town, and deposit the same in the recorder's office of said county of Henry, whose duty it is hereby made to record the same at full length in the proper record book.

This act shall take effect and be in force from and after its passage.

JOINT RESOLUTIONS, &c.

CHAPTER CCLI.

A Joint Resolution relative to the cession of the Wabash and Erie Canal lands which lie in the State of Ohio.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS, the state of Indiana became vested with the right to a quantity of lands in the state of Ohio, by the act of Congress of the second of March, 1827, granting certain lands to aid in the construction of a canal to connect at navigable points the waters of the Wabash with those of Lake Erie; and by the subsequent act of Congress, "to aid the state of Ohio in extending the Miami canal from Dayton to Lake Erie," approved May 24, 1828; the state of Indiana was authorized "to convey and relinquish to the state of Ohio, upon such terms as may be agreed upon by said states, all the right and interest granted to the state of Indiana, to any lands within the limits of the state of Ohio," by the act of Congress aforesaid, of the 2d of March, 1827:—And whereas, a joint resolution of the General Assembly of the state of Ohio, approved the—of January 1834, has been communicated to the General Assembly of this state, setting forth the willingness of Ohio to receive the transfer and relinquishment of the canal lands within her jurisdiction from the state of Indiana, and to construct that part of the Wabash and Erie canal which is situated within her bounds, which measures, if carried into effect, by expediting the construction of the canal, and obviating the inconveniences and delays which would necessarily arise from conflicting jurisdictions between the two states, will greatly advance the interests and prosperity of the respective citizens: therefore,

Resolved by the General Assembly of the State of Indiana, That in consideration of the following terms and conditions, to be performed by the state of Ohio, to wit:—

1st. The state of Ohio to construct and keep in repair a canal from the intersection of the Wabash and Erie canal, with the state line dividing Indiana and Ohio, to a point as low down the Maumee river towards Lake Erie, as the towns of Maumee and Perrysburgh, the dimensions

of which shall not be less in width at top water line than forty feet, and of capacity for not less than four feet depth of water; the locks and aqueducts to be constructed of sufficient dimensions to admit the passage of as large boats as can be passed in similar structures on that part of the Wabash and Erie canal which lies in Indiana; "said canal when completed to be," and forever remain a public highway, for the use of the government of the United States, free from any toll or other charge whatever, for any property of the United States, or persons in their service passing through the same.

2d. The state of Ohio to charge no higher tolls to citizens of Indiana, or other persons passing on or transporting freights on said canal, than shall be charged to or paid by the citizens of Ohio, nor higher rates of tolls than shall be charged on the principal canals in Ohio.

3d. The state of Ohio to complete said portion of the Wabash and Erie canal on or before the 2d of March, 1847, and to undertake the performance to the General Government, of all the stipulations and conditions required by the aforesaid act of Congress, approved the 2d of March, 1827, which the state of Indiana would have been held and bound in good faith to perform, provided she had constructed this part of the canal in the state of Ohio, and have selected and appropriated to her use the lands which are herein transferred and relinquished.

4th, and lastly, The state of Ohio by her official act to accept of the terms and conditions of this transfer and conveyance of said lands, and communicate the same to the Governor of this state, on or before the thirty-first day of March next:—

The state of Indiana doth hereby grant, quit claim, relinquish, and convey to the state of Ohio, all her right, title, and interest in, and to all the lands lying and being situated in the state of Ohio, which she, the said state of Indiana, derived by, or in virtue of, through, or from the act of Congress, entitled "an act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in opening a canal, to connect the waters of the Wabash river with those of Lake Erie," approved 2d of March 1827; and hereby authorizes the state of Ohio to receive from the General Government the lands aforesaid, and to select the same according to the provisions of said act of Congress, in a full right and manner as if the said canal was to be constructed by the state of Indiana, and the lands selected and set apart by her authority.

Resolved, That the executive of this state, be, and he is hereby requested to transmit a copy of this joint resolution

to the Governor of Ohio, and request him to transmit the same to the General Assembly of that state.

CHAPTER CCLIII.

A Joint Resolution of the General Assembly authorizing the agent of state for the town of Indianapolis to convey certain land.

[APPROVED, FEBRUARY 1, 1834.]

Resolved by the General Assembly of the State of Indiana, That the agent of state for the town of Indianapolis, be, and he is hereby authorized to convey to Dennis I. White all that part of the Terre Haute state road running through said White's land on the east side of White river, which was vacated by an act of last session, approved February 1, 1833; and said conveyance when made and received by said White, shall be in full satisfaction of all damages that he may have a right to claim on account of said road being relocated, and now used on his the said White's land.

CHAPTER CCLIV.

A Joint Resolution relative to Insurance companies.

[APPROVED FEBRUARY 1, 1834.]

Resolved by the General Assembly of the State of Indiana, That the person administering the government of this state, be, and he is hereby requested to cause inquiry to be made into the corporate powers and capacities of the several insurance companies in this state; whether any or either of them have by the terms of the charters of their respective corporations, any other of greater powers than contemplated by the constitution: if so whether such powers can be legally exercised: whether any of them do issue bills of credit or bills payable to bearer or order, or any other notes or bills as a circulating medium; whether so doing would be such violation of their chartered duties, affecting the circulating currency, the interest of the state or character of her institutions as to subject them to forfeiture.

That he be authorized at discretion, to employ counsel, to institute proceedings at law, if he shall deem it necessary, and report the same to the next General Assembly.

CHAPTER CCLV.

A Joint Resolution in relation to the acts and journals of the Indiana Territory and of the state of Indiana.

[APPROVED FEBRUARY 1, 1834.]

Be it resolved by the General Assembly of the State of Indiana, That the secretary of state, be, and he is hereby authorized and required to procure ten copies of each of the acts, joint resolutions, and journals of the state of Indiana, and of the territory formerly comprising its boundaries and limits, for each year, from the year 1801, to the present year inclusive, and have the same bound and deposited in the state library for preservation: *Provided*, that such copies shall not be procured for any year of which ten copies each of such acts, joint resolutions, and journals of such year are now so deposited: *And provided further*, that where any number less than ten copies each of the same for any year are now so deposited, the secretary of state shall procure only such additional number or copies for such year as will make the aggregate number thereof not exceed ten.

And be it further resolved, That the secretary be allowed to defray the expenses accruing under this joint resolution out of any moneys in the contingent fund not otherwise appropriated, and report his proceedings herein to the next General Assembly.

CHAPTER CCLVI.

A Joint Resolution providing for the survey of the lands along the Wabash and Erie canal, ceded by the Miami Indians, for the use of the canal, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS, by the treaty held on the 23d of October, 1826, on the Wabash, between the United States and the Miami Indians, a grant of land of six chains, or twenty-four rods in width along the route of the canal, through the lands owned by said Indians, was made to the state of Indiana for the benefit of said canal; and whereas the canal route as now located, extends through from ten to twelve miles in length of lands belonging to said Indians, from which the grant of six chains in width has never been set off and marked out for the use of this state: therefore,

Resolved by the General Assembly of the State of Indiana, That it is hereby made the duty of the canal commissioners to lay out and mark off through all the Indian reservations of land which the canal passes, the six chains in width along the canal, where the same shall be finally and permanently located, as granted by the treaty aforesaid; and divide the said lands into lots, containing as nearly two acres each, including width of canal, as may be conveniently made; to plat and number the same, and to file two copies of said plats in the office of the auditor of public accounts, one copy of which it shall be and is hereby made the duty of the executive of this state to forward to the commissioner of the general land office.

Be it further resolved, That whenever in the opinion of the canal commissioners the interests of the state will be advanced by hiring laborers to come to the canal line, they shall be, and are hereby empowered to hire such number of laborers, at such times and places as they may deem proper, and to advance to the said laborers so employed, their travelling expenses, under such regulations and restrictions as are calculated to secure the reimbursement thereof so far as practicable: *Provided*, That the amount so expended shall not in any one year exceed the sum of five thousand dollars.

CHAPTER CCLVII.

A Joint Resolution for the benefit of Randolph, Spencer, and LaPorte counties, and for other purposes.

[APPROVED FEBRUARY 1, 1834.]

Resolved by the General Assembly of the State of Indiana, That the secretary of state be, and he is hereby required to forward to the clerks of the circuit courts of Randolph and Spencer counties respectively, one copy of the first volume of Blackford's Reports; also to the clerk of LaPorte county, three copies of the Revised Laws of eighteen hundred and thirty-one, and of the acts of eighteen hundred and thirty-one and eighteen hundred and thirty-two, for the use of the courts of said counties.

Resolved, That the secretary of state be required to purchase fifty copies of the first volume of Blackford's Reports, to be preserved for the future distribution to the new counties hereafter to be laid off, and otherwise as the Legislature may direct.

JOINT RESOLUTIONS.

CHAPTER CCLVIII.

A Joint Resolution in relation to a reduction of the price of public lands.

[APPROVED, FEBRUARY 1, 1834.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law providing for a graduated reduction of the price of the public lands, where the same shall have remained a reasonable length of time in market, and for an ultimate donation of the residue remaining unsold at the minimum price, under such rules and restrictions as will afford a suitable protection and encouragement to actual settlers, prevent monopoly by land speculators, and otherwise best comport with the public welfare.

Resolved further, That the governor be requested to transmit to each of our senators and representatives in Congress, as soon as practicable, a copy of the foregoing joint resolution.

CHAPTER CCLIX.

A Joint Resolution relative to the distribution of copies of the act establishing a State Bank, and for other purposes.

[APPROVED FEBRUARY 3, 1834.]

Be it resolved by the General Assembly of the State of Indiana, That the secretary of state forward by mail the copies of "an act establishing a state bank," ordered to be printed in pamphlet form at the present session, in due portion to each of the senators and representatives of this General Assembly as have not received their respective portions thereof, forwarding to the senators and representatives the proportion ordered by each House respectively, and that the postage be defrayed from the contingent fund.

Be it further resolved, That the state bank directors be authorized to hold their office for the transaction of business in the house on the Governor's Circle.

CHAPTER CCLX.

A Preamble and Joint Resolution in relation to horses lost by the rangers, raised under an act of Congress, approved June 15th, 1832, for the defence and protection of the north-western frontier of the United States.

[APPROVED, JANUARY 30, 1834.]

WHEREAS, many of the citizens of this state and of our sis-

JOINT RESOLUTIONS.

ter states, in the service of the United States, as mounted rangers, under an act of Congress of 1832, for the defence of the frontier, during the last war, lost and disabled many of their horses when in such service, and have not yet received remuneration for the same; and whereas we deem it nothing more than justice, that they should be remunerated for all losses by them sustained during such service; therefore,

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our representatives requested, to use their exertions and influence to procure the enactment of a law which will authorize speedy payment to be made by the United States, for all horses lost or disabled, to their owners in public service or in consequence thereof, on the presentation of the proper proofs and vouchers of such loss.

Resolved, That his excellency, the governor, be requested to forward copies of this preamble and resolution, to each of our senators and representatives in Congress.

CHAPTER CCLXI.

A Preamble and Joint Resolution in relation to horses lost by the rangers and volunteer militia of Indiana.

[APPROVED, JANUARY 30, 1834.]

WHEREAS, many of our citizens in the service of the United States, as mounted rangers and volunteers during the last war with the hostile Indians, lost and disabled their horses when in such service, and have not as yet been remunerated for the same, which were ordered into service by the executive of the state, in the month of June, 1832, and placed under the command of A. W. Russell on the frontiers of Indiana; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators and representatives in Congress be requested to use their best exertions to procure an amendment of the law now in force authorizing the payment of horses lost in the service of the United States, so as to embrace the case of the horses lost under the command of A. W. Russell, as aforesaid, upon the proper proof and vouchers presented to the department.

And be it further resolved, That his excellency, the governor, be requested to forward copies of this preamble and joint resolution, to each of our senators and representatives in Congress.

JOINT RESOLUTIONS.

CHAPTER CCLXII.

A Joint Resolution of the State of Indiana, relative to the Whitewater Canal.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS, the state of Indiana is desirous of surveying a canal route from Lawrenceburgh up the valley of White-water river, to the mouth of Nettle creek in Wayne county; and whereas it is believed that said canal can be constructed with less expense by following the valley of the Whitewater river, the distance of six or eight miles in the state of Ohio, than it can by leaving said valley within the limits of the state of Indiana; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the General Assembly of the state of Ohio be requested to authorize and permit the canal commissioners of the state of Indiana, their engineer or engineers, agents, and assistants to survey and locate such route through Hamilton county in said state of Ohio, adjoining and along said Whitewater river, on such terms and conditions as said General Assembly of the state of Ohio may deem reasonable.

Be it further resolved, That his excellency the governor of the state of Indiana, transmit a copy of the foregoing preamble and resolutions, to his excellency, the governor of the state of Ohio, requesting him to lay the same before the Legislature of said state of Ohio.

CHAPTER CCLXIII.

A Joint Resolution concerning the State Library.

[APPROVED, FEBRUARY 1, 1834.]

Resolved, by the General Assembly of the State of Indiana, That there be added to the joint standing committee thereof, a joint committee on the state library, to consist of three members on the part of the Senate, and three members on the part of the House, whose duty it shall be to examine into, and report to the Legislature the condition of the library, and take into consideration such propositions as may from time to time be submitted by the respective Houses.

JOINT RESOLUTIONS.

CHAPTER CCLXIV.

A Joint Resolution directing the Secretary of State to furnish the county of Parke with eight copies of the Revised Laws of 1831.

[APPROVED, DECEMBER 28, 1833.]

Resolved by the General Assembly of the State of Indiana, That the secretary of state be hereby authorized to furnish to the county of Parke, eight additional copies of the Revised Laws of 1831, for the benefit and use of said county.

CHAPTER CCLXV.

A Joint Resolution on the subject of improving the navigation of the Ohio River at the Falls.

[APPROVED JANUARY 13, 1834.]

WHEREAS, it is believed by this General Assembly, that the navigation of the river Ohio at the Falls, particularly through the Indiana chute, might be greatly improved, if not rendered entirely safe, by the judicious application of a comparatively small sum, considering the vast importance of the improvement hoped to be effected in the removal of the obstructions in said chute, or from such other part of said Falls, as upon a thorough examination thereof, should be thought most advisable; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested to use their best endeavours to procure the passage of a law, appropriating a liberal sum of money to be expended in improving the navigation of the Ohio River, under the superintendence of some scientific and qualified person or persons, to be appointed by the general government.

Resolved, That his excellency, the governor, be requested to forward a copy of the foregoing preamble and resolution, to each of our senators and representatives in Congress.

CHAPTER CCLXVI.

A Joint Resolution relative to the Tippecanoe Battle Ground.

[APPROVED, DECEMBER 28, 1833.]

WHEREAS, immemorial usage has sanctioned the custom of perpetuating the memories of departed heroes and patriots, by monumental honours and otherwise; and where-

as the land on which was fought the memorable battle of Tippecanoe in 1811, contains the bones of many a brave man and pure patriot, whose sacred relics the state of Indiana is bound by every consideration of honour to herself, and a respectful and decent regard for their memories, to preserve from the rude hand of the disturber. And whereas that consecrated spot, is the property of an individual who shared in the dangers and honours of the battle, and who, it is believed, is waiting only a respectful request from the state, for an opportunity of ceding or selling at a nominal price, the land on which the battle was fought, or so much thereof as has been set apart as the repository or burying place of those who fell in the engagement.

The Legislature, feeling that it is due to the memories of the dead, as well as to the feelings of their friends and relatives who survive, and to the character of the state, that a cession should be procured or purchase made of the battle ground, do adopt, for the purpose of carrying into effect the above object, the following joint resolution:

Resolved by the General Assembly of the State of Indiana, That the governor be requested, on the part of the state, to procure by cession, so much land as he may deem necessary to meet the intention of this resolution; and in case a cession cannot be obtained, to ascertain at what price and on what condition a purchase can be made, and report the same to the next Legislature.

CHAPTER CCLXVII.

A Joint Resolution to extend the time for completing Blackford's Reports.

[APPROVED JANUARY 2, 1834.]

Be it resolved by the General Assembly of the State of Indiana, That the time limited to Isaac Blackford for completing and delivering the reports of decisions of the supreme court to the secretary of state, restricting to the present year by the resolution approved the 22d of January, 1833, be so extended as to allow the same provisions to the full extent of the year eighteen hundred and thirty-four.

CHAPTER CCLXVIII.

A Joint Resolution relative to the three per cent. fund heretofore appropriated to Fayette county.

[APPROVED, FEBRUARY 1, 1834.]

WHEREAS there is now in the hands of the agent of the three per cent. fund the sum of one hundred and thirteen dollars, which has been heretofore appropriated to the erection of a bridge over the West fork of White Water at Connersville in Fayette county: therefore,

Be it resolved by the General Assembly of the State of Indiana, That Marks Crume, he, and he is hereby authorized to draw the said sum of money from the hands of the agent of the three per cent. fund, and pay the same over to the trustees of said bridge, to be applied by them in the erection of the same.

CHAPTER CCLXIX.

A Joint Resolution relative to the three per cent. fund.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS it is represented to this General Assembly that the state of Indiana has not for some years past received from the General Government any three per cent. fund on account of public land sold in Indiana at the Cincinnati land office; and whereas the commissioner of the general land office has not made to the agent of the three per cent. fund any statement of the sales of public land: therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to endeavor to procure an adjustment of the three per cent. fund accounts; and also to have it made the duty of the commissioner of the general land office to transmit to the agent of the three per cent. fund a statement of the number of acres sold, and the gross and nett amount received in each year since the commencement of the state government, at each of the offices at which the public lands within the state of Indiana are sold, and hereafter to make such statement annually.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolution.

MEMORIALS.

CHAPTER CCLXX.

A Joint Resolution relative to the agent of the three per cent. fund.

[APPROVED FEBRUARY 1, 1834.]

WHEREAS the term of office of the agent of the three per cent. fund has expired, and whereas by a joint resolution of this General Assembly, he has been authorized to pay out the said fund, and exercise all the duties pertaining to his said office until his successor is elected and qualified: therefore,

Be it resolved by the General Assembly of the State of Indiana, That the said agent of the three per cent. fund be, and he is hereby required to enter into bond with good and sufficient security, to be approved by the treasurer of state, and payable to the state of Indiana, conditioned for the faithful discharge of his duties as such agent, in the same penalty as that heretofore required from said agent, which said bond shall be deposited in the office of the secretary of state.

CHAPTER CCLXXI.

A Joint Resolution relative to the three per cent fund.

[APPROVED JANUARY 20, 1834.]

Resolved by the General Assembly of the State of Indiana, That Benjamin I. Blythe, late agent of the three per cent fund, be, and he is hereby authorized to pay out any moneys appropriated by the Legislature, in the same manner, and under the same restrictions he would have been, had his term of office not expired until re-appointed or superseded by legislative enactment.

CHAPTER CCLXXII.

A Memorial on the subject of the National Road.

[APPROVED, FEBRUARY 1, 1834.]

Your memorialists, the General Assembly of the State of Indiana, would respectfully represent to the Congress of the United States: That the appropriations heretofore made to the National Road through this state, have been expended under the superintendence of the officers appointed agreeably to the directions of the secretary of war; that in

MEMORIALS.

order to derive any benefit from the work already done, much must yet be accomplished, and the sooner the better.

They would therefore recommend a further appropriation of one hundred and fifty thousand dollars, to be applied to the National Road in the state of Indiana, during the present session of Congress. They deem this measure of vital importance to the state of Indiana, and earnestly request the early attention of Congress to the subject.

Resolved, That the governor be requested to transmit a copy of this memorial to each of our senators in Congress.

CHAPTER CCLXXIII.

A Memorial and Joint Resolution of the General Assembly of the State of Indiana, to the Congress of the United States, concerning the Wabash and Erie Canal Lands.

[APPROVED, FEBRUARY 1, 1834.]

To the Senate and House of Representatives of the United States in Congress assembled: Whereas, by an act of Congress of March 2d, 1827, each alternate section of land equal to five miles in width on each side of the line of a canal to connect the navigable waters of the Wabash river with Lake Erie, was granted to Indiana to aid in the construction of said canal; and whereas that part of the canal line from the line of this state, through the territory of Ohio, not having been surveyed until a late period, and the sales of the public lands having progressed, nearly eighty thousand acres of the lands properly granted to Indiana for the purpose aforesaid, have been disposed of at private sale, your memorialists therefore pray that permission may be granted to the state of Ohio, to authorize her commissioners to select in lieu thereof, the like quantity of land from those reserves lately acquired by the general government, by purchase from the Indians, or from other lands in the neighbourhood of the line of said canal; therefore

Resolved, That our senators in Congress be instructed, and our representatives requested to use all honourable means to speedily carry into effect the object prayed for in this memorial.

Resolved, That the governor be, and he is hereby requested to transmit a copy of the foregoing memorial to each of our senators and representatives in Congress.

CHAATER CCLXXIV.

▲ Memorial of the Congress of the United States on the subject of the establishment of a National Hospital on the Ohio River.

[APPROVED, FEBRUARY 1, 1834.]

WHEREAS, it is believed by the General Assembly of the state of Indiana, that the establishment of a national hospital at some proper point on our western waters and near the junction of the Ohio and Wabash rivers would be of great national utility, and annually alleviate the sufferings, and contribute to the wants of thousands, who by reason of sickness and misfortune, are rendered proper objects of public beneficence; and whereas it is believed that no point in the western country presents higher claims to the establishment of such an institution than the town of Evansville in this state, situated upon the river Ohio; and whereas the erection of such a receptacle for the sick and indigent sailors and boatmen who are annually in great numbers cast upon the private charity of our citizens, is loudly called for by the necessities of the country; therefore,

The General Assembly earnestly invite the attention of the general government to this important subject, and request that the necessary provisions be made by the Congress now in session, to carry into effect the object of this memorial.

Ordered, That his excellency, the governor, transmit a copy of this memorial to each of our senators in Congress.

CHAPTER CCLXXV.

▲ Memorial and Joint Resolutions relative to the improvement of a harbour at the mouth of Trail Creek on Lake Michigan, in the state of Indiana.

[APPROVED JANUARY 2, 1834.]

WHEREAS, the improvement of Harbours on the great northern lakes has been found essentially necessary to the safety and convenience of the large and increasing commercial transactions thereon, and as the appropriation of money from the national treasury for such purposes, has not been considered as conflicting with the provisions of the federal constitution:

Your memorialists, the General Assembly of the State of Indiana, would respectfully represent, That the mouth of Trail creek, in the state of Indiana, on Lake Michigan, has been adjudged to afford the best harbour for vessels within

the limits of the state aforesaid; and from the peculiar nature of the mouths of rivers and creeks on Lake Michigan, it is obstructed in a considerable degree by the barriers of sand which surround the entrance of streams in said lake, and which can only be removed and prevented by the excavation of basins and the erection of piers. And your memorialists would further represent, that from the surveys already made at the mouth of the creek aforesaid, there is found to be as great a depth of water over the bar as at any other point on the southern shore of the lake within this state, and that a small sum of money properly applied, would make the same a safe and convenient harbour; which harbour is imperiously demanded by the extraordinary improvement of the country in the northern parts of Indiana, and the necessity of protecting and regulating the extensive commerce, which is already extending itself from and to this point.

Your memorialists would also respectfully remark, that the state of Indiana has but little opportunity to ask for favours from the general government, in the way of appropriation for the improvement of her commercial points; particularly on her northern boundary, she having only about forty miles of territory which is contiguous to the lake, and from the large quantities of salt and other importations which must be consumed by the dense population which will soon inhabit her fertile soil; and the shipment of the surplus products of her prairies and her fields, in the northern counties, every other state in the union will be interested in the facilities which may be afforded her in the opening a new and important port in that section of country; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators and representatives in Congress, be requested to unite with the delegation of the state of Illinois and of the territory of Michigan, in their exertions for the continuation of the improvements at Chicago in Illinois, and at the mouth of the St. Josephs in Michigan.

Be it further resolved, That our senators and representatives in Congress be requested to use their exertions and influence, to procure such surveys and appropriations, as in their wisdom may be requisite for the speedy improvement of the harbour at the mouth of Trail creek, in the state of Indiana.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial and joint resolutions, to each of our senators and representatives in Congress.

CHAPTER CCLXXVI.

A Memorial and Joint Resolution of the General Assembly of the State of Indiana, relative to the Louisville and St. Louis mail route.

[APPROVED DECEMBER 28, 1833.]

To the Senate and House of Representatives of the United States in Congress assembled: The General Assembly of the State of Indiana, respectfully represent; that the great thoroughfare and mail route from Louisville, Kentucky, to St. Louis, Missouri, via New-Albany, Greenville, Paoli, Mount-pleasant, Washington, and Vincennes in Indiana, from the earliest settlement of this state, has been, and still is, the chief avenue of inland communication west of the Ohio river; that it still continues to accommodate the emigrants who annually throng to the far west; that it is destined to remain a most important mail route during all time; that in consequence, however, of want of proper and permanent repairs on said road in this state, the mails cannot be transported thereon in stages in the winter and spring months, and that said mails are quite too ponderous to be transported on horses; that the equitable division of our state means, is wholly incompetent to the necessary improvement of the aforesaid highway within our state; that the essential public accommodations which said road affords to the intercourse, trade, and agricultural interests of this and other states of the union, as well as its great importance as a United States mail road, clearly bring an appropriation to improve it, within the prescribed constitutional powers delegated to Congress: Your memorialists do therefore respectfully request an ample appropriation of lands or money for the improvement of said road within the state of Indiana.

Resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives earnestly requested, to use every becoming exertion to obtain the appropriation aforesaid.

Resolved also, That his excellency, the governor, be requested to transmit a copy of the foregoing memorial and joint resolution, as speedily as possible, to each of our senators and representatives in Congress.

CHAPTER CCLXXVII.

A Joint Memorial of the Legislature of the State of Indiana, to the President of the United States, on the subject of the extinguishment of the title of the Miami tribe of Indians, to land within the said state.

[APPROVED, JANUARY 6, 1834.]

WHEREAS, it is a matter of vast importance to the state of

Indiana, that the title of the Miami tribe of Indians to land within the said state should be speedily extinguished; and whereas, at a late treaty held for that purpose, the commissioners of the general government failed to treat, after making great exertions and incurring great expense; and whereas it is the opinion of your memorialists, that a private treaty with said tribe of Indians could be made with less expense by giving the agent of the Wabash agency, or some other competent individual, power to treat with said tribe of Indians at any time he may choose, for said land or any part thereof:

Your memorialists therefore request, that the said agent or other individual, be empowered to treat with said tribe of Indians, at such time and place as he may choose, and under such instructions as may be given him for that purpose; and your memorialists in duty bound will ever pray, &c.

Resolved, That his excellency, the governor, be requested to transmit a copy of the above, to the president of the United States.

CHAPTER CCLXXVIII.

A Memorial and Joint Resolution of the Legislature of the State of Indiana, praying relief for William Bilsland.

[APPROVED, JANUARY 15, 1834.]

WHEREAS, it has been represented to this General Assembly, that at the commencement of Indian hostilities in the summer of 1832; and whereas it was understood that the frontiers upon Hickory creek were invaded, and the lives of our citizens were being sacrificed and their property destroyed by the ruthless hand of the merciless savage, an unauthorized company of volunteers under the command of Captain Wm. White, was raised in Fountain county, Indiana, and marched in defence of the said frontiers, among whom were many of their former friends and neighbors; and whereas it has been further represented, that on the march of the said company, William Bilsland, a private in said company, a poor, but honest and highly respectable man, with a large but helpless family of children, principally females, by an accidental shot from one of the company, had his right foot shot in such a manner as to render an amputation indispensable, and by which means he has been disabled through life. And whereas it has been further represented that since the said wound was received, the said Bilsland and family have been living entirely upon the charity of their relatives, all and any of whom are but ill able to incur the expense; and

whereas it is the opinion of your memorialists, that in as much as the said Bilsland was not called out nor enrolled as one of the regular militia, that the law granting pensions does not reach his case:

Your memorialists therefore humbly pray, that a special act for the relief of the said William Bilsland, be passed by your honourable body, and that the name of the said Bilsland be placed on the pension roll of Indiana pensioners; and your memorialists in duty bound &c.

Resolved, That a copy of the foregoing be sent by his excellency the governor, to each of our senators and representatives in Congress.

CHAPTER CCLXXIX.

A Memorial and Joint Resolution of the General Assembly of the State of Indiana, to procure an appropriation in land or money, to improve the navigation of the Wabash, Big St. Josephs, and White rivers.

[APPROVED, FEBRUARY 1, 1834.]

To the Senate and House of Representatives of the United States in Congress Assembled: Your memorialists, the General Assembly of the State of Indiana, believing that the improvement of the navigation of the Wabash, Big St. Josephs, and White rivers, is a matter of national concern, and would confer material advantages, not only upon Indiana and the adjoining states and territories, but upon the Union at large, and that the power to effect so desirable an object is evidently within the privileges expressly delegated to Congress, respectfully petition for appropriations in land or money to remove the obstructions to a safe navigation of said rivers.

Your memorialists would further respectfully represent, that the completion of the Wabash and Erie canal, which is now in a state of rapid progress, with a removal of the obstructions in the Wabash river, will open the most direct, convenient, and cheapest communication between the lakes and northern states, with the whole western and southwestern country, and present an avenue to the sea board market, which will enable the growing population of the fertile valley of the west, to dispose of their surplus produce, and also to obtain their necessary supplies.

The waters of the White rivers are also reserved national highways, under the control of the general government, and, in the opinion of your memorialists, are entitled to special regard, from the immense benefits derivable from the improvement of these streams to the agricultural, manufacturing, and commercial interests of the whole country.

Your memorialists would further represent, that for about two hundred and fifty miles, the states of Illinois and Indiana exercise concurrent jurisdiction over the Wabash river, being the dividing line between said states, and that the principal obstructions to the safe navigation of said stream for boats of all descriptions, exist upon this portion of the Wabash, which may be removed upon the judicious application of an appropriation, trivial and unimportant, when compared with the great utility and national advantages of the improvement; therefore,

Resolved, That our senators in Congress be instructed, and our representatives requested to use their unremitting exertions in procuring an appropriation of land or money, for the purpose of improving the navigation of the Wabash and White rivers.

Resolved, That his excellency, the governor, be, and he is hereby requested to forward a copy of the foregoing memorial and resolution to each of our senators and representatives in Congress.

CHAPTER CCLXXX.

A Joint Memorial and Resolution to the Congress of the United States.

[APPROVED, JANUARY 30, 1834.]

To the Senate and House of Representatives of the United States in Congress assembled: Your memorialists, the General Assembly of the state of Indiana, respectfully represent, that between Lawrenceburgh on the Ohio river, and the Wabash and Erie canal, in a direction to the southern bend of the St. Joseph river, there is a vast tract of fertile soil intersected by no navigable streams, and without roads or other facilities of communication; that the country for about half the distance, is but thinly inhabited, and that the lands belong chiefly to the general government, and unless the means of intercourse are furnished, must remain unsold and unsettled for many years to come; therefore, your memorialists are of opinion, that it would conduce no less to the advantage of the general government, than to this state, to make to the state of Indiana, a liberal donation in lands, to aid in the construction of a canal or rail road to connect the above named important points.

Resolved, That our senators and representatives in Congress be requested to use their best exertions to obtain the object of the above memorial.

Resolved, That his excellency, the governor, be requested to forward a copy of the foregoing memorial and resolution to each of our senators and representatives in Congress.

AUDITOR'S OFFICE,
Indianapolis, Dec. 7, 1833. }

In obedience to the act entitled "an act concerning the auditor of public accounts and treasurer of state," the auditor submits the following report of receipts and expenditures on account of the State of Indiana, from the 5th of December 1832, to 30th of Nov. 1833, both inclusive.

There was remaining in the treasury on the 4th of Dec. 1832, provided all claims audited to that date were paid, \$31,450 73

Since that period there has been received at the treasury on account of the revenue unpaid for	1823,	163 40
Received " " "	1825,	675 91
" " "	1831,	111 00
For collection of revenue for	1832,	32,408 79
" " "	1833,	7,399 01
		40,758 11
" From sales of Michigan R. L.		56,765 37
" Agent of state for town of Indianapolis		6,226 02
" Sales of seminary lands		3,010 10
" Borrowers of seminary funds (refunded)		10,685 38
" Interest received from loans of seminary funds		1,856 37
" Estates without heirs		51 82
" Agents of salt springs		238 14
" For conscientious fines		90
" From superintendent of state prison		700 00
" For contingent fund refunded		55 00
" For sales of mortgaged lands		122 00
" Interest of Indianapolis fund		720 17
" Loans of Indianapolis fund refunded		950 00
		81,381 27
Making the amount of receipts		\$153,590 11
Since the above period there has been audited for public printing, stationary and distributing laws, &c.		5,931 02
For the expenditures of the last General Assembly, including pay of members, clerks and doorkeepers,		16,955 69
For salaries of executive officers		2,450 00
" " " Prosecuting attorneys		1,087 97
" " " Supreme and president judges		8,030 57
" " " Probate judges		2,086 50
" " " Adjutant and qr. master general,		100 00
On account of state college		2,332 58
" " " State library		248 37

INDIANA, to wit.

SECRETARY'S OFFICE,
Indianapolis, 2d May, 1834.

I do hereby certify, that I have compared the foregoing printed acts, joints resolutions, and memorials with the original rolls on file in my office, and found them correct, with the exception of the words included [thus], inserted to aid the sense.

WILLIAM SHEETS,
Secretary of State.

" "	" State prison	912 25
" "	" Wabash and Erie canal	124 00
" "	" Michigan road	54,472 73
" "	" Seat of government	536 00
On account of specific appropriations		1,448 55
" "	" Superintendents of salt spring reserves	25 00
" "	" Wolf scalps	842 00
" "	" Loans of seminary fund	8,675 50
" "	" Treasury notes burnt	4 00
" "	" Presidential election	318 24
" "	" Contingent fund	794 62
" "	" State house	12,074 73
" "	" Loans of Indianapolis funds	17,396 00

Making the total amount of expenditures \$136,846 32

From \$153,590 11 (the receipts) take \$136,846 32 (the expenditures) and there remains in the treasury on the 1st day of Dec. 1833, the sum of \$16,743 79.

The amount of assessments for the present year is \$49,789 49, from which, after deducting delinquencies and expenses incident to the collection of the revenue, there will probably be realized \$41,800.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

TREASURY DEPARTMENT,
Indianapolis, Dec. 5, 1833. }

The Treasurer, in obedience to the directions of the "act concerning the auditor of public accounts and treasurer of state," submits the following report of the Revenue and Expenditure of the state from Dec. 1, 1832 to Nov. 30, 1833.

Balance in treasury reported last year, \$31,536 88

RECEIPTS DURING THE FISCAL YEAR.

From revenue of	1823,	163 40
" "	1825,	675 90
" "	1831,	111 00
" "	1832,	32,408 79
" "	1833,	7,399 01

Rent paid by superintendent state prison,

From sale of Michigan road lands,

" lots, &c. at Indianapolis,

" College lands,

" Mortgaged lands,

Loans of College funds paid,

" State house "

Interest of College funds,

" State house "

700 00

56,765 37

6,226 02

3,010 10

122 00

10,685 38

950 00

1,856 37

720 17

Contingent allowance refunded,	55 00
Militia fines,	90
Estates without heirs,	51 82
Rents of Salt Lick reserves,	238 14

\$153,676 26

EXPENDITURES IN THE SAME PERIOD.

Pay and mileage to members of the Legislature,	\$14,881 33
" of clerks, door-keepers, and stationary,	2,074 36
Printing for last and stationary for present session,	5,931 02
Specific appropriations,	1,450 20
Contingent expenses,	794 63
Premiums for wolf scalps,	816 00
Pay of probate judges,	2,043 00
" Executive officers,	2,450 00
" Judges,	8,030 57
" Prosecutors,	1,148 47
" Adjutant and quarter-master general,	100 00
Expenses of State house,	12,074 73
" " Prison,	377 25
" " Library,	248 37
" Salt springs,	25 00
" Presidential election,	315 24
" Indiana college,	2,332 58
" Michigan road,	2,407 65
" Seat of government,	536 00
Loan of college funds,	8,675 50
" State house "	17,396 00
Michigan road scrip redeemed,	52,065 08
Canal fund expended,	100 00
Treasury notes destroyed and interest,	4 00
Balance in the treasury,	16,839 29

\$153,676 26

The cash on hand is subject to the following deductions:

Outstanding warrants,	\$155 00
Salaries and other claims due but not audited,	2,887 50
College fund in treasury,	2,199 15
Canal fund "	48 56
Militia fines to be distributed,	531 40
Claims of probate judges estimated,	1,000 00

In all, \$6,821 61

Which deducted from the cash on hand, leaves 10,077 68

The revenue of 1833, to be paid subsequently to the

30th Nov. will probably amount to 33,500 00

Making for the expenses of the ensuing year, \$43,577 68

Those expenses may be estimated as follows:

Salaries of judges and prosecutors,	\$9,000 00
" Executive offices,	2,600 00
Printing, stationary, distributing laws, &c.	6,000 00
Legislature,	17,000 00
Contingent and specific appropriations,	2,500 00
Probate judges,	2,500 00
Wolf scalps,	800 00
State prison,	300 00
State library, adjutant general, &c.	250 00

\$41,450 00

Which will leave in treasury, 1st Dec. 1834,

\$2,127 68

No considerable diminution in the increase of the revenue appears to have been occasioned by the law which appropriates the delinquent land tax with penalties and forfeitures to constitute a school fund. The returns required by that law, to this office, have not been made except by the school commissioners of the following counties, viz: Randolph, Bartholomew, Boone, Hamilton, Morgan, Dearborn, Fayette, Jefferson, Lawrence, Johnson, Shelby, Hendricks, Switzerland, Orange, Warren, Putnam, Greene, Montgomery, Franklin, Parke, Rush, and Owen. This subject may soon be sufficiently important for a penalty to be prescribed in case the school commissioners fail to do their duty. Some regulations will also be necessary for disposing of the lands forfeited to the school fund. To secure regularity in the title and mode of doing business, it is respectfully recommended that the school commissioners be required to obtain judgments in the courts for the amounts chargeable, that the lands forfeited be sold as on judgments in other cases, reserving a right to the former owner for the balance over all charges whenever he should call for it.

Respectfully submitted,

S. MERRILL.

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